



CITY OF JOHANNESBURG
METROPOLITAN MUNICIPALITY
OFFICE OF THE SPEAKER

MINUTES OF THE 6th ORDINARY COUNCIL MEETING OF THE CITY OF JOHANNESBURG MUNICIPALITY, HELD ON WEDNESDAY AND THURSDAY, 22 & 23 JUNE 2022, AT 10:00 AT THE CONSTANCE CONNY BAPELA COUNCIL CHAMBER, METROPOLITAN CENTRE, BRAAMFONTEIN

A G E N D A

- 1 OPENING**
- 2 APPLICATIONS FOR LEAVE OF ABSENCE**
- 3 OFFICIAL NOTICES**
 - 3.1 STATEMENT BY THE EXECUTIVE MAYOR**
- 4 CONFIRMATION OF MINUTES**

(State of the City Address (SOCA) held on 21 & 22 April 2022)
(4th Ordinary Council Meeting held on 26 April 2022)
(6th Extra-Ordinary Council Meeting held on 13 May 2022)
(3rd Special Council Meeting held on 25 May 2022)
(5th Ordinary Council Meeting held on 25 & 27 May 2022)
- 5 QUESTIONS FOR WRITTEN REPLY OF WHICH NOTICE HAS BEEN GIVEN IN TERMS OF RULE 105(2) OF THE STANDING RULES AND ORDERS OF COUNCIL**
- 6 RECOMMENDATIONS TO COUNCIL**
- 7 MOTIONS**
- 8 ANNOUNCEMENTS & CLOSURE BY THE SPEAKER**

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1 OPENING

Councillor Amad T, (ALJAMA-AH), rose on behalf of ALJAMA-AH and the minority block and said that a decision was taken by Council on a previous sitting, to appoint a new acting Secretary to Council, Mr M J Molekwa, but they noticed that Mr Andile Gobinca is acting as Secretary and would like for the Speaker to give clarity on the issue.

The speaker responded that the acting arrangement for Mr Andile Gobinca was extended for three months, from 7 June 2022 and that Council should proceed with its agenda.

Councillor Amad T, (ALJAMA-AH) said they cannot allow the Speaker to proceed with his own set of rules.

Councillor Nguse, (ANC) addressed the Speaker and said that the way the Speaker responded to Councillor Amad was in an illogical manner. And that it was the Council that took the decision to appoint the new acting Secretary to Council, and it will be the Council that rescinds such a decision, no bogus gathering has such powers to do so and that the Speaker must adhere to the Standing Rules and Orders of Council.

Speaker responded that the acting Secretary to Council report was in the agenda, and that MMC Knott will clarify Councillors' issues on the matter, when the report is being tabled.

Councillor Amad T, (ALJAMA-AH) responded that the Speaker was not following the correct process. He stated that Council has resolved on the matter that the commencement date of the Acting Secretary to Council, Mr MJ Moloekwa was 01 June 2022. He further stated that the Speaker cannot take a decision somewhere in the corner and present it in Council. Council must be taken into the Speaker's confidence.

Councillor Novela M, (EFF) addressed the Speaker and said that Council was the highest decision-making forum that cannot be overruled by the Speaker or anyone else. Its decisions must be rescinded by it, or the matter must then be sent to court, and the court must then rule otherwise stating that the decision that was taken by City of Johannesburg's Council is not in line with the law. The court would then provide direction on what must happen. He further said that if Council had taken a decision that the acting Secretary to Council must be moved, that is what must happen. He stated that the acting City Manager should have appointed someone in the acting role and that someone would be sitting as the acting Secretary of Council. He added that the Speaker cannot tell Council about item 70 on the agenda. He agreed that the report will be dealt with, but in the meantime, the decision previously taken by Council stands because it has not been challenged by anyone successfully. He concluded that the acting Secretary to Council, Mr Andile Gobinca, should excuse himself and someone else acts while the matter is being resolved.

MMC Knott L, (DA) addressed Council and said that no decision had been rescinded and had not yet been effected. She further added that item 70 on the agenda speaks to the continuation of the current acting arrangements, until the decision of Council can be implemented. She added that it takes time for somebody to be moved from a

different province to another and the decision for Mr Molekwa to act as the Acting Secretary to Council has not yet been implemented. She concluded that if Councillors would like to question the decision, a Quarterly report would be coming to Council, which questions whether the resolutions made by Council were being implemented. She further said the matter was not for Council to debate.

The Speaker requested for a 15-minute break to confer with Legal on a way forward.

Council resumed, and the Speaker informed Councillors that Item 70 will be elevated, to deal with the impasse. He said that Item 70 will serve as the first item on the agenda according to Rule 62 (3) of the Standing Rules and orders of Council stating that:

- (3) At each meeting, the Council conducts its business in the order shown on the Council Agenda, unless –*
 - (b) the Presiding Officer decides otherwise after consultation with the Leader of Executive Business and Chief Whip.*

The Speaker requested the Director: Legal and Procedural Services, Ms M Komane, to stand in and assist with the programme.

Councillor Ngwenya J, (EFF) requested the Speaker to clarify or confirm if there had been any changes in the standard procedure of Council, that when Council is expected to resume after a break, the drums would be rung across Council precincts to alert Councillors that the meeting will be resuming. He said that the Speaker did not ring the drums after the break and some Councillors are still not in the House, unaware Council has reconvened.

The Speaker responded that he had given Council feedback and admits there was a mistake on how the issue of the acting Secretary to Council was handled, and that was the reason Item 70 was being elevated.

Council erupted with Councillors shouting out that was not the question posed to the Speaker.

The EFF caucus yelled out that the Speaker must ring the drums.

The Speaker responded that the drums were rung in the morning already and they would not be repeated.

The Speaker asked Councillor Raseruthe S, as the leader of the EFF to attend to Councillors who did not want the council to continue with the meeting.

The EFF caucus responded with chants "Ring the drums".

The Speaker checked with other Councillors who were allocated seats at the back of the Council chambers, to confirm if he was audible enough, and they confirmed that they could hear the Speaker well. He then addressed Councillors that he was audible, these were just spurious accusations from the EFF and that the business of Council will proceed.

Councillor Tshedo J, : Illness

The following Councillors requested to leave the meeting at 16:30

*Councillor Ndou, P
Councillor Mashinini, S*

3 OFFICIAL NOTICES

The Speaker congratulated Councillor Sithole (ACDP), for being voted as the Regional Chairperson of the ACDP. A special welcome was extended to the new Councillors; Mpolobosho MM, (AHC) replacing Councillor Shabangu and Mutavhatsindi NT, (ANC).

Councillor Dlanjwa M (EFF) rose on Rule 72 of the Standing Rules and Orders of Council and addressed the Speaker that MMC Mbundu should not be in the House while he is under investigation. He further said that if the administration is serious about fighting corruption, MMC Mbundu should be allowed to leave the Chamber.

The Speaker responded that he received a response from MMC Mbundu and has since referred the matter to the Ethics and Disciplinary committee and only then a decision will be made.

The Speaker congratulated the following Councillors as they celebrate their birthdays during the month of June:

Alexander	WR
Amad	T
Arnolds	MS
Brand	DG
Fourie-Shawe	C
Ismail-Moosa	I
Khanyile	NM
Maake	MJ
Mashala	KJ
Mashinini	S
Mazibukwana	M
Mbundu	NN
Mngadi	WB
Modladlaba	DS
Mokwena	TM
Mthembu	MN
Mulelu	M
Mutavhatsindi	NT
Raphadu	AT
Raseruthe	SH
Santana	CG
Sauls	A

Schay	D
Steer	B
Suddaby	J
Telekoa	AT
Xuma	L

3.1 Statement by the Executive Mayor

None.

4 CONFIRMATION OF MINUTES

(State of the City Address (SOCA) held on 21 & 22 April 2022)

"21 & 22 April 2021" to read "21 & 22 April 2022"

Leave of absence to be included under item 2 "Leave of absence"

(4th Ordinary Council Meeting held on 26 April 2022)

Page 38, Items 51 and 52 "EFF Dissented of both items"

(6th Extra-Ordinary Council Meeting held on 13 May 2022)

(3rd Special Council Meeting held on 25 May 2022)

(5th Ordinary Council Meeting held on 25 & 27 May 2022)

RESOLVED

That the minutes of the State of the City Address (SOCA) held on 21 & 22 April 2022, 4th Ordinary Council Meeting held on 26 April 2022, 6th Extra-Ordinary Council Meeting held on 13 May 2022, 3rd Special Council Meeting held on 25 May 2022, and 5th Ordinary Council Meeting held on 25 & 27 May 2022 as amended, be taken as read and confirmed.

5 QUESTIONS FOR WRITTEN REPLY OF WHICH NOTICE HAS BEEN GIVEN IN TERMS OF RULE 105(2) OF THE STANDING RULES AND ORDERS OF COUNCIL

MMC Knott L indicated that the answers to written questions will be uploaded on the link.

6 RECOMMENDATIONS TO COUNCIL

Councillor Knott tabled the executive reports and requested that item 70 be elevated to be the 1st item and in-committee items be elevated to the morning session on Thursday, 23 June.

The Chair of Chairs tabled the Legislature reports.

- Item 1 PERFORMANCE ASSESSMENT REPORT FOR
THE COMMUNITY DEVELOPMENT DEPARTMENT
FOR THE 2021/2022 FINANCIAL YEAR FOR THE
PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Community Development Department for the 2021/2022 financial year, be noted.

(COMMUNITY DEVELOPMENT)

- Item 2 PERFORMANCE ASSESSMENT REPORT FOR
THE JOBURG CITY THEATRES (JCT) FOR
THE 2021/2022 FINANCIAL YEAR FOR THE
PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Joburg City Theatres for the 2021/22 financial year, be noted.

(JOBURG CITY THEATRES)

- Item 3 PERFORMANCE ASSESSMENT REPORT
FOR THE JOHANNESBURG CITY PARKS
AND ZOO FOR THE 2021/2022 FINANCIAL
YEAR FOR THE PERIOD JANUARY TO
MARCH 2022

RESOLVED

That the third quarter performance report of the Joburg City Parks and Zoo for the 2021/22 financial year, be noted.

(JOBURG CITY PARKS AND ZOO)

- Item 4 PERFORMANCE ASSESSMENT REPORT FOR THE GROUP CORPORATE AND SHARED SERVICES DEPARTMENT FOR THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Group Corporate and Shared Services Department for the 2021/22 financial year, be noted.

(GROUP CORPORATE SHARED AND SERVICES)

- Item 5 PERFORMANCE ASSESSMENT REPORT FOR THE DEVELOPMENT PLANNING DEPARTMENT FOR THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Development Planning Department for the 2021/22 financial year, be noted.

(DEVELOPMENT PLANNING)

- Item 6 PERFORMANCE ASSESSMENT REPORT FOR THE JOHANNESBURG DEVELOPMENT AGENCY FOR THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Johannesburg Development Agency (SOC) Ltd for the 2021/22 financial year, be noted.
(JOHANNESBURG DEVELOPMENT AGENCY (SOC) LTD)

- Item 7 PERFORMANCE ASSESSMENT REPORT FOR THE ECONOMIC DEVELOPMENT DEPARTMENT FOR THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD JANUARY TO MARCH 2022

Councilor Amad T (ALJAMA-AH), addressed the Speaker and said that on behalf of ALJAMA-AH and the minority opposition block, they would like to raise a concern on the political principle of Economic Development department. On the basis that there are allegations of crime, and there must be a separation of power, where the Mayor must sanction an action – because the MMC responsible has powers delegated to him

by the Executive Mayor, therefore, pending an investigation, the Executive Mayor must suspend the MMC.

MMC Echeozonjoku B, (DA) rose on a point of order, and said that a precedence was set with regards to Councillors under investigation – they get referred to the Ethics committee. None of them have ever been asked to leave the Chamber or stopped from doing their work. She added that she would refer to an example of the former MMC of Public Safety, Ms Mally Mokwena, in a matter where the MEC of COGTA was involved, but she was still allowed to continue with her work.

The acting Speaker, Councillor Makhubele C, (COPE) addressed Councillor Amad and requested that he respond to the Item that was tabled.

Councillor Amad T, (ALJAMA-AH) responded that he was responding to the matter at hand, the Item tabled is on Economic Development. He further added that the Mayor was previously suspended for a mere utterance that; "The City of Johannesburg was the friend of the state of Israel."; and those were only utterances. In this case, it is an allegation of crime being made against the MMC Mbundu and said that they are arguing the process. Councillor Amad said that the first official that was executed, publicly, by MMC Mbundu, was immediately suspended. He further added that they had raised the issue in Council to say that what is done to the right hand, must be done on the left hand as well. He asked why was the official the only person suspended on a case of alleged bribery. He concluded by saying that the MMC should be suspended, and that they are arguing processes because this process has been criminalized for the MMC to interfere, and that it was also a political over-reach, whereby the MMC call companies to ask questions about tender processes.

The acting Speaker interjected and asked Councillor Amad to refrain from speaking on this matter as it was referred to the Ethics committee and would be dealt with there.

Councillor Amad T (Aljama-ah) responded that the Speaker's responsibility would be to refer MMC Mbundu to the Ethics committee and it was the Mayor's responsibility to suspend him from the executive post. And further explained that they did not have any issues with MMC Mbundu, and that the Speaker has the right to sanction an investigation on the MMC as a Councillor, but their point is that the MMC has delegated powers of the Mayor and he signs critical reports, and he brought a report to Council to publicly execute an official. The said official took leave and stepped aside so that investigations can unfold, and he was vindicated by that investigation. The MMC must be equally subjected to the same treatment, investigations and must be suspended. He concluded that they are calling for administrative justice and its fairness.

MMC Ngobeni R, (ActionSA) rose on a point of order against the acting Speaker. He said that they had listened and allowed Councillor Amad to speak because they wanted to take guidance from the acting Speaker. He added that all the allegations being made by Councillor Amad can be responded to, but they are not on the agenda item, and the acting Speaker allowed Councillor Amad to carry on speaking on the allegations. He further said that they could respond to the Councillor to give him clarity on the allegations, but in this instance they cannot because that is not on the

item and requested the acting Speaker to ask the Councillor to either stay on the agenda or withdraw his comments.

MMC Mbundu was not able to address Council as some Councillors refused to be addressed by him.

RESOLVED

That the third quarter performance report for Department of Economic Development for the 2021/22 financial year be noted.

(ECONOMIC DEVELOPMENT)
(Sihle Buthelezi)

Item 8 PERFORMANCE ASSESSMENT REPORT FOR
THE JOBURG MARKET (SOC) LTD FOR THE
2021/2022 FINANCIAL YEAR FOR THE PERIOD
JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Joburg Market (SOC) Ltd for the 2021/22 financial year, be noted.

(JOBURG MARKET (SOC) LTD)

Item 9 PERFORMANCE ASSESSMENT REPORT FOR
THE JOHANNESBURG PROPERTY COMPANY
(SOC) LTD FOR THE 2021/2022 FINANCIAL YEAR
FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Johannesburg Property Company (SOC) Ltd for the 2021/22 financial year, be noted.

(JOHANNESBURG PROPERTY COMPANY (SOC) LTD)

Item 10 PERFORMANCE ASSESSMENT REPORT FOR THE
METROPOLITAN TRADING COMPANY FOR THE
2020/2021 FINANCIAL YEAR FOR THE PERIOD
JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Metropolitan Trading Company for the 2021/22 financial year, be noted.

(METROPOLITAN TRADING COMPANY)

- Item 11 PERFORMANCE ASSESSMENT REPORT FOR THE JOHANNESBURG TOURISM COMPANY (NPC) FOR THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Johannesburg Tourism Company for the 2021/22 financial year, be noted.

(JOHANNESBURG TOURISM COMPANY)

- Item 12 PERFORMANCE ASSESSMENT REPORT FOR THE ENVIRONMENT, INFRASTRUCTURE AND SERVICES DEPARTMENT FOR THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Environment, Infrastructure and Services Department for the 2021/22 financial year, be noted.

(ENVIRONMENT, INFRASTRUCTURE AND SERVICES)

- Item 13 PERFORMANCE ASSESSMENT REPORT FOR JOHANNESBURG WATER FOR THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of Johannesburg Water for the 2021/22 financial year, be noted.

(JOHANNESBURG WATER)

- Item 14 PERFORMANCE ASSESSMENT REPORT FOR THE CITY POWER JOHANNESBURG (SOC) LTD FOR THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the City Power Johannesburg (SOC) Ltd for the 2021/22 financial year, be noted.

(CITY POWER JOHANNESBURG (SOC) LTD)

Item 15 PERFORMANCE ASSESSMENT REPORT FOR
THE PIKITUP JOHANNESBURG (SOC) LTD FOR
THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD
JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Pikitup Johannesburg (SOC) Ltd for the 2021/22 financial year, be noted.

(PIKITUP JOHANNESBURG (SOC) LTD)

Item 16 PERFORMANCE ASSESSMENT REPORT FOR
THE GROUP FINANCE DEPARTMENT FOR THE
2021/2022 FINANCIAL YEAR FOR THE PERIOD
JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Group Finance Department for the 2021/22 financial year be noted.

(GROUP FINANCE)

Item 17 PERFORMANCE ASSESSMENT REPORT
FOR THE GROUP INFORMATION
COMMUNICATION TECHNOLOGY
DEPARTMENT FOR THE 2021/2022
FINANCIAL YEAR FOR THE PERIOD
JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of Group Information Communication Technology Department for the 2021/22 financial year, be noted.

(GROUP INFORMATION COMMUNICATION TECHNOLOGY)

- Item 18 PERFORMANCE ASSESSMENT REPORT FOR THE HEALTH DEPARTMENT FOR THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Health Department for the 2021/22 financial year, be noted.

(HEALTH)

- Item 19 PERFORMANCE ASSESSMENT REPORT FOR THE SOCIAL DEVELOPMENT DEPARTMENT FOR THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report for the Social Development Department for the 2021/22 financial year, be noted.

(SOCIAL DEVELOPMENT)

- Item 20 PERFORMANCE ASSESSMENT REPORT FOR THE HOUSING DEPARTMENT FOR THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Housing Department for the 2021/22 financial year, be noted.

(HOUSING)

- Item 21 PERFORMANCE ASSESSMENT REPORT FOR THE JOHANNESBURG SOCIAL HOUSING COMPANY FOR THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Johannesburg Social Housing Company for the 2021/22 financial year, be noted.

(JOHANNESBURG SOCIAL HOUSING COMPANY)

Item 22 PERFORMANCE ASSESSMENT REPORT FOR
THE PUBLIC SAFETY DEPARTMENT FOR THE
2021/2022 FINANCIAL YEAR FOR THE PERIOD
JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of Public Safety Department for the 2021/22 financial year, be noted.

(PUBLIC SAFETY)

Item 23 PERFORMANCE ASSESSMENT REPORT
FOR THE TRANSPORT DEPARTMENT
FOR THE 2021/2022 FINANCIAL
YEAR FOR THE PERIOD
JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Transport Department for the 2021/22 financial year, be noted.

(TRANSPORT)

Item 24 PERFORMANCE ASSESSMENT REPORT
FOR THE JOHANNESBURG ROADS
AGENCY (SOC) LTD FOR THE 2021/2022
FINANCIAL YEAR FOR THE PERIOD
JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Johannesburg Roads Agency (SOC) Ltd for the 2021/22 financial year, be noted.

(JOHANNESBURG ROADS AGENCY (SOC) LTD)

- Item 25 PERFORMANCE ASSESSMENT REPORT FOR THE JOHANNESBURG METROPOLITAN BUS SERVICES (SOC) LTD FOR THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of Johannesburg Metropolitan Bus Services (Soc) Ltd for the 2021/22 financial year, be noted.

(JOHANNESBURG METROPOLITAN BUS SERVICES (SOC) LTD)

- Item 55 OVERSIGHT REPORT OF THE SECTION 79 COMMUNITY DEVELOPMENT COMMITTEE ON THE 2021/2022 THIRD QUARTER PERFORMANCE ASSESSMENT REPORT OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT, JOBURG CITY THEATRES AND JOBURG CITY PARKS AND ZOO, FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

- 1 That Council approve the Third Quarter Budget and Performance Assessment Reports of the Department of Community Development and Entities: The Johannesburg City Theatres and the Johannesburg City Parks and Zoo for the Period January to March 2022.
- 2 That Council approve the report of the Oversight Committee on the Third Quarter Budget and Performance Assessment Reports of the Department of Community Development and Entities: The Johannesburg City Theatres and the Johannesburg City Parks and Zoo for the Period January to March 2022.

(COJ LEGISLATURE)
(V Muhadi)
(Tel. (011) 407-7463)

- Item 56 OVERSIGHT REPORT OF THE SECTION 79 CORPORATE AND SHARED SERVICES COMMITTEE ON THE 2021/2022 THIRD QUARTER BUDGET AND PERFORMANCE ASSESSMENT REPORT OF GROUP CORPORATE AND SHARED SERVICES FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

- 1 That the 2021/2022 Third Quarter Oversight Report of the S79 Corporate and Shared Services Committee on the 2021/2022 Third Quarter Performance Assessment report of Group Corporate and Shared Services for the period

- January to March 2022, be approved, noting the observations cited in the body of this report.
- 2 That the Group Corporate and Shared Services Department Third Quarter Performance Report for the period January to March 2021 be approved, noting observations cited in the body of the report.
 - 3 That Group Corporate and Shared Services clarifies the approved deviations on Productivity Improvement, Performance Management and CAPEX, in July 2022.
 - 4 That GSHELA provides a progress report on the approval of the Red Fleet tender by the Accounting Officer, in July 2022.
 - 5 That GCSS submits a report explaining the Productivity Improvement KPI, in July 2022.
 - 6 That GCSS submits a report explaining the KPI on the reduction of salary cost of suspended officials, in July 2022.

(COJ LEGISLATURE)
 (Vuyelwa Nkambule)
 (Tel. (011) 407-7450)

Item 57 OVERSIGHT REPORT OF THE DEVELOPMENT PLANNING
 SECTION 79 COMMITTEE ON THE 2021/22 THIRD
 QUARTER BUDGET AND PERFORMANCE ASSESSMENT
 REPORTS OF THE DEVELOPMENT PLANNING DEPARTMENT
 AND THE JOHANNESBURG DEVELOPMENT AGENCY (JDA)
 FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

- 1 That Council note and approve the 2021/22 Third Quarter Budget and Performance reports of the Department of Development Planning and Johannesburg Development Agency for the period January to March 2022, noting the observations cited in the body of this report.
- 2 That the Development Planning Department, in consultation with the JPC, reports to the Committee on the progress regarding the release of land and the relocation of depots in Paterson Park so that the land can be redeveloped, by July 2022.
- 3 That the Development Planning Department presents to the Committee on the draft Orange Farm Urban Development Framework to provide an overview of the Orange Farm Turnkey Programme, by July 2022.
- 4 That the JDA provides the Committee with a progress report on the new clinic to be constructed on De Villiers Street, by July 2022.

- 5 That the JDA reports to the Committee on the various elements of the updated risk register that is being implemented, by July 2022.
- 6 That the JDA indicates to the Committee how long the Moratorium period will apply on the senior level vacancies and to indicate the implemented mitigation actions that ensure operational efficiency at the entity, by July 2022.

(COJ LEGISLATURE)
 (A Ngcaku)
 (Tel. (011) 407 7395)

Item 58 OVERSIGHT REPORT OF THE ECONOMIC DEVELOPMENT SECTION 79 COMMITTEE ON THE 2021/2022 THIRD QUARTER PERFORMANCE ASSESSMENT REPORTS OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT, JOBURG TOURISM COMPANY, JOBURG PROPERTY COMPANY, JOBURG FRESH PRODUCE MARKET AND METROPOLITAN TRADING COMPANY FOR THE PERIOD JANUARY 2022 TO MARCH 2022

RESOLVED

- 1 That Council approve the 2021/22 Third Quarter Budget and Performance Assessment Reports of the Department of Economic Development (DED), Joburg Tourism Company, Johannesburg Property Company (JPC), Joburg Fresh Produce Market (JM) and Metropolitan Trading Company (MTC) noting the observations cited in the body of this report.
- 2 That Council approve the 2021/22 Third Quarter Oversight Report of the Section 79 Economic Development Committee on the 2021/22 Third Quarter Budget and Performance Assessment report of the Department of Economic Development (DED), Joburg Tourism Company, Johannesburg Property Company (JPC), Joburg Fresh Produce Market (JM) and Metropolitan Trading Company (MTC) for the period January 2022 to March 2022 noting the observations cited in the body of this report.
- 3 That the Johannesburg Property Company provide a report on SMMEs supported to the DED. A progress report must be provided by the DED to the Section 79 Economic Development Committee by July 2022.
- 4 That the Joburg Fresh Produce Market provide a report on SMMEs supported to the DED. A progress report must be provided by the DED to the Section 79 Economic Development Committee by July 2022.
- 5 That the Joburg Tourism Company provide a breakdown of costs for work opportunities created during festivals reported by July 2022.

(COJ LEGISLATURE)
 (Lindokuhle Mbuli)

- Item 59 OVERSIGHT REPORT OF FINANCE SECTION 79 COMMITTEE ON THE 2021/22 THIRD QUARTER PERFORMANCE ASSESSMENT REPORTS OF THE GROUP FINANCE DEPARTMENT AND GROUP INFORMATION COMMUNICATION TECHNOLOGY AND INFORMATION MANAGEMENT DEPARTMENT FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

- 1 That Council approve the 2021/22 Third Quarter Performance Assessment report of the Group Finance Department and Group Information Communication Technology Department for the period January to March 2022.
- 2 That Council approves the 2021/22 Third Quarter Oversight Report of the Section 79 Finance Committee on the 2021/22 Third Quarter Budget and Performance Assessment report of the Group Finance Department and Group Information Communication Technology Department for the period January to March 2022 noting the observations cited in the body of this report.
- 3 That the Group Finance Department submits a report to the Section 79 Finance Committee on what remedial measures are in place to ensure that the National Treasury Circular 88 indicator “the average number of days from the point of advertising to the letter of award per 80/20 procurement process” is successfully met. The report is to be submitted to the Section 79 Finance Committee by August 2022.
- 4 That Group Information Communication and Technology Department provide a report on when the SMME Portal is expected to be completed and launched. The report must also include how the Joburg Ambassadors and Digital Ambassadors project is integrated into the Portal as mentioned. The report is to be submitted to the Section 79 Finance Committee by August 2022.

(COJ LEGISLATURE)
(A Bhaga)

- Item 60 OVERSIGHT REPORT OF THE HEALTH AND SOCIAL DEVELOPMENT SECTION 79 COMMITTEE ON THE 2021/2022 THIRD QUARTER BUDGET AND PERFORMANCE ASSESSMENT REPORTS OF THE HEALTH DEPARTMENT AND SOCIAL DEVELOPMENT DEPARTMENT FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

- 1 That Council approve the Third Quarter Oversight Report of the Health and Social Development Section 79 Committee on the 2021/2022.

- 2 That the Health Department in conjunction with JDA submits a bi-annual progress report on the Capex Projects to the Section 79 HSD Committee by annually in the new financial year.

(COJ LEGISLATURE)

(B Fana)

(Tel. (011) 407-6305)

Item 61 OVERSIGHT REPORT OF THE SECTION 79
PUBLIC SAFETY COMMITTEE ON THE
2021/2022 3RD QUARTER PERFORMANCE
REPORT OF THE DEPARTMENT
OF PUBLIC SAFETY FOR THE PERIOD
1 JANUARY TO 31 MARCH 2022

RESOLVED

- 1 That Council approve the 3rd quarter Oversight Report of the Public Safety Section 79 Committee on the Department's quarterly performance report for the 2021/2022 financial year (January 2022 to March 2022).
- 2 That the Department include a breakdown of its employment equity targets and reasons for the dismissals referred to hereinabove in its future performance reporting.

(COJ LEGISLATURE)

(Tandisizwe Sidubulekana)

Item 62 OVERSIGHT REPORT OF THE TRANSPORT SECTION 79
COMMITTEE ON THE THIRD QUARTER PERFORMANCE
ASSESSMENT REPORTS OF THE TRANSPORT DEPARTMENT,
METROBUS AND JOHANNESBURG ROAD AGENCY FOR THE
PERIOD FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

- 1 That Council notes and approves the oversight report of the Transport Section 79 Committee on the third quarter performance assessment reports of the Transport Department, Metrobus, and Johannesburg Road Agency (JRA) for the period January to March 2022, noting the observations cited in the body of this report.
- 2 That Metrobus present to the Committee a report detailing how many buses have been converted to dual fuel to date, as well as daily natural gas use per bus per day and quarterly natural gas expenditure reports.
- 3 That the Committee undertakes an oversight visit to take Metrobus rides on dual-fuel buses in order to assess their operational effectiveness.

- 4 That the Committee conduct an oversight visit to Selby Depot, the Heritage Bridge site, the Alexandra underground BRT station, and all other BRT stations that were scheduled to be completed in the previous fiscal year.
- 5 That the Committee conducts an oversight visit to the JRA regional depots because there have been numerous complaints of potholes.

(COJ LEGISLATURE)
 (Dr TS Mawasha)
 (Tel. (011) 407-7395)

Item 67 OVERSIGHT REPORT OF THE SECTION 79 ENVIRONMENT AND INFRASTRUCTURE SERVICES COMMITTEE ON THE 2021/22 THIRD QUARTER PERFORMANCE ASSESSMENT REPORTS OF THE ENVIRONMENT AND INFRASTRUCTURE SERVICES DEPARTMENT, PIKITUP JOHANNESBURG, JOHANNESBURG WATER, AND JOHANNESBURG CITY POWER FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

- 1 That Council notes the Third Quarter Budget and Performance Assessment reports of the Environment and Infrastructure Services Department, Johannesburg Water, Pikitup Johannesburg, and Johannesburg City Power for the period January to March 2022 and notes the same as a reflection of performance by the said Department and Entities.
- 2 That Council approves the Oversight Report of the Section 79 Environment and Infrastructure Services Committee on the 2021/22 Third Quarter Budget and Performance Assessment Reports of the Environment and Infrastructure Services Department, Pikitup, Johannesburg Water, and Johannesburg City Power for the Period January to March 2022, noting observations contained in the body of this report.
- 3 That the department of Environment submit a detailed recruitment plan to the committee, by August 2022. The report must include approved organogram of the department.
- 4 That the department develop a turnaround strategy regarding acceleration of capital projects expenditure. The strategy to be shared with the committee by August 2022.

(COJ LEGISLATURE)
 (O Lekoloane)
 (Tel. (011) 407-7185)

Item 68 OVERSIGHT REPORT OF THE HOUSING SECTION 79
 COMMITTEE ON THE 2021/22 THIRD QUARTER
 PERFORMANCE ASSESSMENT REPORT OF THE
 DEPARTMENT OF HOUSING AND THE JOHANNESBURG
 SOCIAL HOUSING COMPANY (JOSHCO) FOR THE
 PERIOD JANUARY TO MARCH 2022

RESOLVED

- 1 That Council approve the 2021/22 Third Quarter Budget and Performance Assessment Reports of the Department of Housing and the Johannesburg Social Housing Company, noting the observations cited in the body of this report.
- 2 That Council approve the 2021/22 Third Quarter Oversight Report of the Housing Section 79 Committee on the 2021/22 Third Quarter Budget and Performance Assessment report of the Department of Housing and the Johannesburg Social Housing Company for the period January 2022 to March 2022, noting the observations cited in the body of this report.
- 3 That the S79 Housing Committee conducts an oversight visit on the informal settlements (Meriting and Naledi/Tladi) to verify the infrastructure upgrade to phase 2 by August 2022
- 4 That the DOH submits a report rectifying the reported figures (a) annual target (b) third quarter target and (c) achieved target by 17 June 2022
- 5 That the DOH submits a report detailing its strategy to service housing stock since they are dilapidated to repair (reference KPI 5) by August 2022
- 6 That the DOH submits a scope of work for the upgraded roads 1st July 2022
- 7 That the DOH submits the scope of work for the 24 units refurbished in Dube Hostel by 1st July 2022
- 8 That the S79 Housing Committee conducts an oversight visit at Dube Hostel by August 2022
- 9 That the S79 Housing Committee conducts an oversight visit on the 3 refurbished old age rentals by August 2022
- 10 That JOSHCO submits a strategy of how it plans to collect the debt owed by various COJ departments by August 2022
- 11 That JOSHCO Submits 16 of the building conditional assessments concluded by August 2022
- 12 That every quarterly report submitted by DOH and JOSHCO reporting on upgrades, repairs, constructions, maintenance, and/or refurbishments - a copy of the scope of work must be attached, specifying the work done on each unit.

(COJ LEGISLATURE)
(Mpumelelo Phakathi)
(Cell. 0834062810)

Item 70 APPOINTMENT UPDATE AND ACTING
ARRANGEMENTS FOR SENIOR MANAGERS
SECTION 56

RESOLVED

- 1 That Council ratify the decision of the Acting City Manager to further extend the Acting Appointment of the following officials for a period not exceeding three (3) months:

No	Name & Surname	Acting Capacity	Acting Start Date	Acting End Date
1.1.	Hennie Labuschagne	Group Executive Director: Group Corporate and Shared Services	01 June 22	31 August 22
1.2.	Zayd Ebrahim	Group Head: Group Strategy, Policy Coordination and Relations	01 June 22	31 August 22
1.3.	Andile Gobinca	Secretary to Council	07 June 22	06 September 22
1.4.	Mlandu Kona	Group Head: Group Governance	13 June 22	12 September 22

- 2 That Council grants approval for the City Manager to further extend the acting appointment of the following official for a period not exceeding three (3) months:

No	Name & Surname	Acting Capacity	Acting Start Date	Acting End Date
2.1.	Yubanthren Tyrin Naidoo	Chief Operations Officer	25 June 22	24 September 22
2.2.	Dingalo Frans Moseane	Executive Director: Health	01 July 22	30 September 22

- 3 That a discretionary allowance of 12% be paid per month on the technical basic portion / basic salary of the remuneration of the acting employees for the duration of the acting period.
- 4 That in light of the Constitutional Court judgment in the matter between SAMWU v Minister of COGTA (CCT54/16) [2017] ZACC 7; 2017 (5) BCLR 641 (CC) as well as the Minister's circular of 14 April 2019, the City Manager on behalf of Council notify the MEC in writing regarding the Council resolution of the acting extension arrangements as a matter of courtesy.

(GROUP CORPORATE AND SHARED SERVICES)
(Acting Group Head: Group Human Capital Management)
(Enoch Mafuyeka)

ANC DISSENT

AT THIS POINT, THE TIME BEING 21:30, COUNCIL ADJOURNED UNTIL THURSDAY, 23 JUNE 2022, AT 10:00, FOR THE CONTINUATION OF THE AGENDA.

On resumption (23 June 2022), the following Councillors were present:

MEMBERS PRESENT

The Speaker: Councillor Da Gama, V M

The Executive Mayor: Councillor Phalatse, M

Alexander, W R	Francisco, D B
Amad, T	Fresling, R R
Amod, C J	Galeshewe, T M
Anolik, S	Gantsho, L
Arnolds, M S	Goosen, J W
Avant-Smith, C	Gwamanda, K
Badal, K	Harris, R
Baloyi, D L	Hlatshwayo, S M
Benjamin, R F	Hoén, J N
Bini, L	Homer, C
Bittkau, R	Horwitz, J
Boer, C	Huggett, E A
Bolani, M G	Hughes, Z
Brand, D G	Jacobs, B
Buthelezi, T C	Johnson, N
Cele, D W	Jonker, N
Chabalala, M D	Kanda, M
Chair, C A	Kgeletsane, M O
Chalufu, S T	Khanyile, N M
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	Landis, R
Christians, A	Lebatlang, T Z
Da rocha, C M D	Lebea, M G
Dammie, B H	Lefutso, L
Dauids-Green, I C	Leshilo, R S
Davis, M R	Liebenberg, E
De Lange, F C	Lobi, M
Dellwaria, N	Louw, M A
Deppe, A J	Mabaso, M P
Dladla, D	Mabelebele, S S
Dlamini, B	Mabuke, T A
Dlanjwa, M	Mabunda, T E
Durand, G V M	Mabuza, S K L
Dyers, S	Machaba, L M U
Echeozonjoku, B C	Machethe, S
Edward, N	Madiba, T J
Finn, C E	Magwaza, B L P
Foley, D T	Magwentshu, L C

Fourie-Shawe, C
 Majola, S
 Makamo, S S
 Makhuba, H N
 Makhubele, T C
 Maluleka, T
 Manganyi, D B
 Mangena, T D
 Marais, A F
 Marais, S I
 Marema, V A
 Marumo, T
 Mashala, K
 Mashinini, S
 Masoga, L M
 Maswazi, R
 Mathe, G
 Mathe, Z E
 Mavhona, L S
 Mazibuko, A L
 Mazibuko, N
 Mbundu, N N
 Mchunu, A
 Meyers, T
 Mgaga, B
 Mgcina, S E
 Mhlari, T M
 Mhlongo, T A
 Mkasi, G
 Mkhize, T
 Mkhonto, M S
 Mmbengwa, M N
 Mmota, L
 Mnisi, N D
 Moatshe, K
 Modukanene, L C
 Modupi, D N
 Moepi, N J D
 Moeti, O T
 Mofokeng, J
 Mogapi, T A
 Mohlala, P K
 Mokoari, Z
 Mokoena, G
 Mokoka, M L
 Molefe, M
 Molefe, S B
 Molise, L D
 Maila, S M
 Moloisane, D
 More, E
 Mothopi, O Z
 Mphaho, M A
 Mphefo, L M P
 Mpolobosho, M M
 Mposula, T
 Mpotulo, G S
 Mthembu, M N
 Mulelu, M
 Munyayi, V E
 Mutavhatsindi, N T
 Nair, R K
 Ndlela, M C
 Ndou, N L
 Ndou, P
 Ndou, P
 Ndzondo, C M
 Nefdt, P W
 Nenemba, T
 Nethamba, R
 Ngema, S V
 Ngobeni, L M
 Ngobeni, R F
 Ngoepe, C S
 Nguse, S
 Ngwenya, F N
 Ngwenya, J A
 Nhlapo, C P
 Niemand, G J
 Nkokou, T P
 Nkomo, B
 Nkomo, E T
 Nkomo, P T
 Nkosi, R A L
 Nkubungu, L
 Nkwanyana, P B
 Nofemela, N
 Nonkumbi, I M
 Novela, M
 Ntoele, N L
 Ntombela, M J
 Ntshidi, T E
 Nyembe, Z P
 Nzimande, C
 Papo, M M
 Phakathi, S

Phillips, L E
Phometsi, P S
Pietersen, J
Pietersen, N
Ponsonby, D A
Radebe, N P
Radebe, T T
Rafferty, P D
Rahn, N J
Raholane, M W
Ramafikeng, D J
Ramaru, G
Rambani, N S
Raphadu, A T
Raseruthe, S H
Reddy, K
Reddy, V M
Reinten, I M
Roberts, F C
Santana, C G
Sauls, A
Schay, D
Seema, S M
Seerane, M K
Sekhu, M V
Sekwaila, B J
Shackleford, L M
Shange, P A
Sherman, G J
Shumba, K A
Sifumba, N
Simelane, P
Simelane, S O
Sindani, F P
Sithole, A M
Smit, P A
Sobey, A
Steenkamp, D
Steer, B
Stewart, P S
Stewart, A J
Suddaby, J
Sun, Y H
Supe, N P
Tabane, M C
Tambani, P S
Tefu, P V
Telekoa, A T
Tembe, D S
Truluck, T F
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
Williams, M C
Wilskut, D
Wissler, S T J
Wittman-Potter, D D
Zama, A A D
Zazini, A
Zitha, S L
Zondo, L T
Zungu, N G
Zwane, S

1 OPENING

The Speaker requested Council to observe a moment of silence.

He welcomed Councillors and confirmed that the meeting was a continuation of the 6th Ordinary Council meeting, and that he had received two requests for an urgent debate, on a matter of public importance in terms of Rule 98, of the Standing Rules and Orders of Council of 2016. The Speaker further added that the requests were from Councillors Raphadu and Nguse (ANC) respectively and that both their requests did not comply with Rule 98 (3) of the Standing Rules and Orders of Council, and as a result, he did not accede to their requests. The Speaker further said that his reasons thereof had been communicated to both Councillors.

He further said that if the Council meeting is scheduled for two consecutive days, it was still one Ordinary Council meeting and it should be deemed as such. If any Councillor wishes the Council to discuss a matter of urgent public importance, he or she must make the request to the Speaker in writing at least four hours before the beginning of the first day of an Ordinary Council meeting.

He brought to the attention of the council that the Legal team had verified the credentials of Councillors present in the meeting and confirmed that there were 190 Councillor in the Chamber and there was a quorum.

He indicated that the Motion of no confidence, the year planner together with the In-Committee Items would be elevated on the agenda of the day.

The Speaker registered with Council that he was informed by the Whip of the ANC, Councillor E Mgcina that the ANC caucus will be leaving early as they had a provincial conference, and that is why some of the Items are elevated.

Councillor M Novela (EFF) raised a concern with the motion being brought forward as it was not urgent.

The Speaker stated that he had made a ruling and the motion would be brought forward.

2 APPLICATIONS FOR LEAVE OF ABSENCE

Councillor M Novela (EFF) stated that the refusal to grant the urgent debate on an urgent matter was that the meeting was the continuation of the 6th Ordinary Council meeting, it was not a new meeting. He enquired why the Speaker was registering the leave of absence. He said that the Speaker should determine the quorum and continue with the meeting. He further said that if the Speaker was registering the applications for leave of absence it was a new meeting.

In his response, the Speaker stated that it was a new day and some Councillors had forwarded their leave of absence for the meeting and they must be recorded.

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

<i>Councillor Mnyameni, M</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Maake, J</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Masuku, L</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Mokwena T,</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Mosehla K,</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Mphahlele M,</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor Tshedo J,</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Nontenja T,</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Ismail-Moosa, I</i>	<i>:</i>	<i>Illness</i>

The ANC caucus requested to leave the meeting at 17:00.

3 RECOMMENDATIONS TO COUNCIL

Item 26 PERFORMANCE ASSESSMENT REPORT FOR THE OFFICE OF THE CITY MANAGER FOR THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD JULY TO SEPTEMBER 2021

RESOLVED

That the first quarter performance report for the Office of the City Manager for the 2021/22 financial year, be noted.

(OFFICE OF THE CITY MANAGER)

Item 27 PERFORMANCE ASSESSMENT REPORT FOR THE OFFICE OF THE CITY MANAGER FOR THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD OCTOBER TO DECEMBER 2021

RESOLVED

That the second quarter performance report for the Office of the City Manager for the 2021/22 financial year, be noted.

(OFFICE OF THE CITY MANAGER)

Item 28 PERFORMANCE ASSESSMENT REPORT FOR THE OFFICE OF THE CITY MANAGER FOR THE 2021/2022 FINANCIAL YEAR FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report for the Office of the City Manager for the 2021/22 financial year, be noted.

(OFFICE OF THE CITY MANAGER)

- Item 29 PERFORMANCE ASSESSMENT REPORT FOR THE OFFICE OF THE OMBUDSMAN FOR THE 2020/2021 FINANCIAL YEAR FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the Office of the Ombudsman for the 2021/22 financial year, be noted.

(OFFICE OF THE OMBUDSMAN)

- Item 30 PERFORMANCE ASSESSMENT REPORT FOR THE CITY OF JOHANNESBURG LEGISLATURE DEPARTMENT FOR THE 2021/2022 FINANCIAL YEAR SECOND QUARTER FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the third quarter performance report of the City of Johannesburg Legislature Department for the 2021/22 financial year, be noted.

(COJ LEGISLATURE)

- Item 31 PERFORMANCE ASSESSMENT REPORT ON THE OVERSIGHT ACTIVITIES OF THE PETITIONS STANDING COMMITTEE FOR THE PERIOD: JANUARY TO MARCH 2022

NOTED

(COJ LEGISLATURE)

- Item 32 CITY GROUP HYBRID WORKING POLICY FRAMEWORK

RESOLVED

- 1 That the content of the report and Annexures (A, A1 and B) be noted.

- 2 That Council approve the Group Hybrid Working Policy Framework.

(GROUP CORPORATE AND SHARED SERVICES)
(Maggie Naidoo)
(Tel. (011) 407-6877)

- Item 33 RANDBURG CBD URBAN DEVELOPMENT
FRAMEWORK (UDF) (2021)

RESOLVED

- 1 That the Randburg Urban Development Framework (UDF) Plan be approved.
- 2 That the implementation of projects and programmes be informed by the necessary studies and detailed designs.
- 3 That the respective ward councillors are adequately informed and involved in projects.

(DEVELOPMENT PLANNING)
(Minenhle Maphumulo)

- Item 34 CITY OF JOHANNESBURG MFMA IN-YEAR
FINANCIAL REPORT FOR THE PERIOD
ENDED 31 JANUARY 2022

NOTED

(FINANCE)
(Phindile Tshezi)
(Assistant Director: Financial Analysis)
(Tel. (011) 358-3407)

- Item 35 CITY OF JOHANNESBURG MFMA IN-YEAR
FINANCIAL REPORT FOR THE PERIOD
ENDED 28 FEBRUARY 2022

NOTED

(FINANCE)
(Phindile Tshezi)
(Assistant Director: Financial Analysis)
(Tel. (011) 358-3407)

Item 36 SECTION 33 (1) OF THE MFMA: AUTHORISATION FOR THE CITY OF JOHANNESBURG TO CONTRACT WITH THE ALEXANDRA BUS COMPANY PTY LTD FOR THE OPERATIONALISATION OF REA VAYA PHASE 1C (A)

RESOLVED

- 1 That Council APPROVES, in terms of *Section 33 of the MFMA*, the signing of the bus operating company agreement (BOCA) between the City and the Alexandra bus operating company (Pty) Ltd for the Rea Vaya Phase 1C (a) BRT operations services on a once-off 12-years negotiated contract, as stipulated in section 41 of the NLTA 5 of 2009.
- 2 That Council APPROVES, in terms of regulation *34(1)(a) of the Municipal Asset Transfer Regulations ("MAT Regulations")*, the use of depots and related amenities by the Alexandra bus operating company (Pty) Ltd for a period not longer than 12 years at no cost.
- 3 That Council AUTHORIZES the City Manager or his nominee to sign the Bus Operating Company Agreement with the Alexandra Bus Operating Company (Pty) Ltd for Phase 1C(a) operations.
- 4 That Council NOTES the attached Business and Operational plans that were approved by Mayoral Committee on the 24 April 2017.
- 5 That Council NOTES the amendments made in the Business plan for the BOC to acquire buses instead of the City and as provided for in the DoRA and the PTNG Framework.

(TRANSPORT)
(Benny Makgoga)

Item 37 PROGRAMME AND PROJECT PREPARATION
SUPPORT GRANT: ADOPTION OF THE CITIES'
INFRASTRUCTURE DELIVERY AND MANAGEMENT
SYSTEM (CIDMS) BY COUNCIL AS A GRANT CONDITION

RESOLVED

- 1 That Council formally adopts the Cities' Infrastructure Delivery and Management System (CIDMS) as a specific condition of the Programme and Project Preparation Support Grant per the Division of Revenue Act (DORA) 2021 to ensure the continued allocation of the Programme and Project Preparation Support Grant to the City.

- 2 That Council formally adopts the Cities' Infrastructure Delivery and Management System (CIDMS) as a nationally endorsed guideline and policy instrument to govern infrastructure planning, financing, programming and delivery within the CoJ.

(OFFICE OF THE CITY MANAGER)
(K Pillay)

Item 38 THE CITY POWER SUSTAINABLE
ENERGY STRATEGY

RESOLVED

- 1 That Council notes City Power's electricity demand, paying particular attention to the performance of the Eskom and Kelvin Power bulk purchases.
- 2 That Council authorises City Power to embark on a public participation process in terms of S116(3) of the MFMA with regards to the extension of the Kelvin PPA as per national treasury guidelines for no longer than a period of two years from now. The public participation to not be shorter than 30 days and in compliance with S21(a) of the Municipal Systems Act.

(CITY POWER JOHANNESBURG (SOC) LTD)
(Meyrick Ramatlo)
(Tel. (011) 490-7155)

Item 39 TABLING OF THE 2022/23 INSTITUTIONAL
SERVICE DELIVERY BUDGET AND
IMPLEMENTATION PLAN (SDBIP)

RESOLVED

That the 2022/23 Service Delivery and Budget Implementation Plan (SDBIP) is noted by Council.

(OFFICE OF THE CITY MANAGER)
(N P Mabuza)

Item 40 POLITICAL OUTREACH, INVESTOR AWARENESS
AND INFRASTRUCTURE PUBLIC PRIVATE
PARTNERSHIP ENGAGEMENTS BY EXECUTIVE
MAYOR: CAIRO, EGYPT AND PARIS, FRANCE:
1 – 10 JULY 2022

WITHDRAWN

(OFFICE OF THE CITY MANAGER)
(A Still)
(Tel: 083 702 4818)

Item 41 C40 INTERNATIONAL CLIMATE AND AIR QUALITY
SOLUTIONS SUMMIT AND STUDY TOUR IN LONDON,
FROM THE 17TH TO THE 22ND OF JULY 2022

WITHDRAWN

(ENVIRONMENT, INFRASTRUCTURE AND SERVICES)
(Musa Mahlatji)
(Tel. 081 471 5383)

Item 42 REVIEW OF SOCIAL DEVELOPMENT
POLICIES AND PUBLIC PARTICIPATION

RESOLVED

That the approval to conduct hybrid public participation to develop and review the following policies for the Department of Social Development during the 2022/23 financial year be granted:

- Food Resilience Policy
- Children Services Policy
- Homelessness Policy
- Older Persons Policy

(SOCIAL DEVELOPMENT)
(Dr. T Mushayanyama)
(Cell. 073 518 7860)

Item 43 FEEDBACK ON THE PUBLIC CONSULTATION
PROCESS FOR THE PROPOSED RENAMING
OF SOWETO THEATRE TO GIBSON KENTE
SOWETO THEATRE

RESOLVED

That Council notes the outcome of the public participation process as outlined in the report for the proposed renaming of the Soweto Theatre.

(COMMUNITY DEVELOPMENT)
(Dominica Masalesa)
(Cell. 082 496 3218)

- Item 44 SUBMISSION FOR THE DEPARTMENT'S
NAME CHANGE FROM HOUSING TO HUMAN
SETTLEMENT

NOTED

(HOUSING)
(P PHOPHI)
(Tel. (011) 018-6663)

- Item 45 OVERSIGHT VISIT OF THE SECTION 79 COMMUNITY
DEVELOPMENT COMMITTEE TO JAMES HALL MUSEUM
OF TRANSPORT, JOBURG ART GALLERY, WORKERS
MUSEUM, MUSEUM AFRICA & JOBURG CITY THEATER
ON 20 APRIL 2022

RESOLVED

- 1 That Council approve the Oversight visit report noting the observations cited in the body of the report.
- 2 That the Department of Community Development attends to maintenance needs and security challenges of James Hall Museum of Transport as highlighted in the body of this report. Progress report to be submitted to the committee, by June 2022.
- 3 That the Department of Community Development provide James Hall Museum of Transport with adequate tools of trade including network / internet connection. It is further recommended that the chief curator be allocated with tools of trade such as laptop, printer and a cell phone in line with city policies. Progress report to be to be submitted to the committee during June 2022 committee meeting.
- 4 That the Department of Community Development provide a comprehensive report detailing progress made with regards to relocation of artworks from JAG to Anglo-American's 44 Main Street building in Marshalltown, by June 2022.
- 5 That the Department of Community Development attends to maintenance needs of Museum Africa as highlighted in the body of this report and provide a progress report, June 2022. The report should also cover progress made with regards to digitization of its collection.
- 6 That Museum Africa submit a report detailing the extent of the damage to its collection caused by water damage as a result roof leaks. Assessment report to be submitted to the committee, by June 2022
- 7 That the Department of Community Development attends to maintenance needs of Workers Museum as highlighted in the body of this report and provide a progress report, by June 2022.

- 8 That the Department of Community Development ensures adequate supply of cleaning material and protective clothing to all its facilities. Progress report to be tabled in the June 2022 committee meeting.
- 9 That Joburg City Theatres provide the committee with agreement or an MOU signed between Joburg Theatre and Joburg Ballet, by June 2022.
- 10 That Joburg City Theatres submit a detailed financial report highlighting financial support that has been offered to Joburg Ballet in the last two financial years (2020/21 to 2021/22 FY), by June 2022.

(COJ LEGISLATURE)
 (V L Muhadi)
 (Tel. (011) 407-7463)

Item 46 OVERSIGHT VISIT OF THE SECTION 79 COMMUNITY
 DEVELOPMENT COMMITTEE TO LEHAE MULTI-PURPOSE
 CENTRE, DRIEZIEK MULTI-PURPOSE CENTRE & ORANGE
 FARM MULTI-PURPOSE CENTRE ON 17 MAY 2022

RESOLVED

- 1 That Council approve the Oversight visit report noting the observations cited in the body of the report.
- 2 That the Department of Community Development attends to maintenance needs of Orange Farm MPC as highlighted in the body of this report. Progress report to be submitted to the committee, by August 2022.
- 3 That the Department of Community Development provides the committee with Drieziek MPC complete project plan including scope of work with breakdowns of each phase. Report to be submitted to the committee during July 2022 committee meeting.
- 4 That the Department of Community Development provides a report to the committee explaining why relevant officials did not attend a committee site visit held on the 17 May 2022 in Region G. The report to be tabled in the July 2022 committee meeting.
- 5 That the Department of Community Development provides a comprehensive report detailing progress made with regards to the opening of Lehæ Library, by July 2022. Additionally, the report should detail the progress made regarding the zoning of the facility.
- 6 That the Department of Community Development ensures adequate supply of cleaning material and protective clothing to Orange Farm MPC. Progress report to be tabled in the July 2022 committee meeting.

(COJ LEGISLATURE)
 (V L Muhadi)
 (Tel. (011) 407-7463)

Item 47 TRACKING RECOMMENDATIONS FOR
 THE S79 COMMUNITY DEVELOPMENT
 COMMITTEE JUNE 2022

WITHDRAWN

(COJ LEGISLATURE)
 (Vele Muhadi)

Item 48 OVERSIGHT VISIT REPORT OF THE HSD SECTION 79
 COMMITTEE TO THE SOCIAL DEVELOPMENT PROJECT
 IN REGION G – EIKENOFF FARM (FOOD EMPOWERMENT
 ZONE) ON 19 MAY 2022

Councillor Mabaso M (IFP) stated that the MMC's should not be responding to the oversight reports of the Committees. Therefore, they should not be added on the Speakers list to respond.

Councillor De Lange (VF+) stated that the Chairpersons only table the oversight reports and not close them.

The Speaker responded that the Chairpersons' normally close on their reports as they read out recommendations pages as well.

RESOLVED

- 1 That Council approve the oversight visit report noting the observations cited in the body of the report.
- 2 That the Department of Social Development submits a detailed report to the Section 79 Health and Social Development Committee broken down by region, wards, people with disability and gender that highlights the various reasons that led the other cooperatives to stop operating at Eikenhoff farm as well as the impact of the food empowerment zone on the existing cooperatives operating at Eikenhoff by end of the financial year 2021 – 2022.
- 3 That the Department of Social Development submits a detailed report to the Section 79 Health and Social Development Committee that highlights how the legal department has managed the eviction process of the illegal dwellers in the city houses at the Eikenhoff Farm by end of the financial year 2021 – 2022.

(COJ LEGISLATURE)
 (B Fana)
 (Tel. (011) 407-6305)

- Item 49 OVERSIGHT VISIT REPORT OF THE HSD SECTION 79
COMMITTEE TO A CONSTRUCTION SITE FOR
KLIPFONTEIN VIEW CLINIC & WELLNESS CENTRE –
REGION E ON 11 MAY 2022

RESOLVED

- 1 That Council approve the oversight visit report and note the observation cited in the body of the report.
- 2 That the Department of Health provides a detailed report to the Health and Social Development Section 79 about the site that has been identified to build the Klipfontein View Clinic and Wellness centre (the report must include an update about the water license, the process of evicting the illegal occupants and measures to be taken to protect the site against illegal dumping) by end of the financial year 2021/2022.

(COJ LEGISLATURE)

(B Fana)

(Tel. (011) 407-6305)

- Item 50 OVERSIGHT VISIT REPORT OF THE HSD SECTION 79
COMMITTEE TO A CONSTRUCTION SITE FOR
TURFFONTEIN CLINIC - REGION F ON 11 MAY 2022

RESOLVED

- 1 That Council approve the oversight visit report and note the observation cited in the body of the report.
- 2 That the Health Department invites JDA to the Section 79 Health and Social Development Committee to present the findings of the Geotech studies that were done on the Turffontein construction site by end of the financial year 2021/2022.
- 3 That the Health Department invites JDA to Section 79 HSD Committee to present the building plans/drawings of the Turffontein Clinic by end of the financial year 2021/2022.

(COJ LEGISLATURE)

(B Fana)

(Tel. (011) 407-6305)

- Item 51 OVERSIGHT VISIT REPORT OF THE HSD SECTION 79
COMMITTEE: JOBURG MARKET – FOOD DISTRIBUTION
CENTRE ON 11 MAY 2022

RESOLVED

That Council approve the oversight visit report and note the observation cited in the body of the report.

(COJ LEGISLATURE)
(B Fana)
(Tel. (011) 407-6305)

Item 52 COUNCILLOR ARREARS AND
INTERVENTIONS TO BE APPLIED

NOTED

(COJ LEGISLATURE)
(Mamatlhare Maseko)
(Tel. (011) 407-6617)

Item 53 OVERSIGHT REPORT OF THE TRANSPORT SECTION 79
COMMITTEE ON AN OVERSIGHT VISIT TO DIEPSLOOT
TOWNSHIP AND CHARTWORTH AREA ON 13 APRIL 2022

RESOLVED

- 1 That Council adopts the Oversight visit report.
- 2 That the JRA present to the Committee the timeframe with regard to re-design and tarring the damaged streets in Diepsloot Township.
- 3 That the JRA present to the Committee a timeframe for grading and re-graveling of road reinstallation of drainage systems in the Chartworth area.
- 4 That the Councillors of the visited wards provide the JRA officials with the locations (i.e. GPS coordinates) of the street and storm-water drainage systems that require maintenance.
- 5 That the ward Councillors invite Joburg Water to conduct an oversight visit and fix leaking water pipes and meters prior to road redesign and construction.
- 6 That the JRA at least fix the reported potholes and blocked storm-water drainage system in Diepsloot Township.

(COJ LEGISLATURE)
(Dr T S Mawasha)
(Tel. (011) 407-7395)

Item 54 GAUTENG SPEAKERS FORUM: MEMORANDUM
OF UNDERSTANDING AND DECLARATION

RESOLVED

- 1 That Council take note of the contents of the report and its Annexures.
- 2 That Council authorise the Speaker of Council to sign the Memorandum of Understanding, MOU, to formalize the working relationship between the Provincial Legislature, GPL, the City of Johannesburg and the South African Local Government Association, SALGA, under the auspices of Gauteng Speakers Forum, GSF.

(COJ LEGISLATURE)
(Mpho Komane)
(Tel. (011) 407-6009)

Item 63 OVERSIGHT REPORT OF THE GOVERNANCE SECTION 79 COMMITTEE ON THE FIRST QUARTER PERFORMANCE ASSESSMENT REPORTS OF THE OFFICE OF CHIEF OPERATIONS OFFICER, OFFICE OF THE CITY MANAGER, GROUP STRATEGY POLICY COORDINATION AND RELATIONS, GROUP GOVERNANCE, CITIZEN RELATIONS AND URBAN MANAGEMENT, GROUP COMMUNICATIONS AND MARKETING, GROUP LEGAL AND CONTRACT, GROUP RISK AND ASSURANCE SERVICES AND GROUP FORENSIC AND INVESTIGATION SERVICES FOR THE PERIOD JULY TO SEPTEMBER 2021

RESOLVED

- 1 That Council note the 2021/22 First Quarter Budget and Performance Reports of the Office of the Chief Operation Officer, Office of the City Manager, Group Strategy Policy Coordination and Relations, Group Governance, Citizen Relations and Urban Management, Group Communications, and Marketing, Group Legal and Contract, Group Risk and Assurance Services and Group Forensic and Investigation for the period July to September 2021.
- 2 That Council adopt the Oversight Report of the Office of the Chief Operation Officer, Office of the City Manager, Group Strategy Policy Coordination and Relations, Group Governance, Citizen Relations and Urban Management, Group Communications and Marketing, Group Legal and Contract, Group Risk and Assurance Services and Group Forensic, and Investigation for the period July to September 2021 noting the observations made in the body of the report.
- 3 That CRUM present to the Committee a mitigation strategy to deal with poor performing regions to improve service delivery.
- 4 That the department that underspend on Contracted Services and Other Expenditure utilize the allocated budget on a quarterly basis rather than waiting for the last quarter as it is becoming a norm city wide.

(COJ LEGISLATURE)
(Doctor Mpondo)
(Tel. (011) 407-7301)

- Item 64 OVERSIGHT REPORT OF THE GOVERNANCE SECTION 79 COMMITTEE ON THE SECOND QUARTER PERFORMANCE ASSESSMENT REPORTS OF THE OFFICE OF CHIEF OPERATIONS OFFICER, OFFICE OF THE CITY MANAGER, GROUP STRATEGY POLICY COORDINATION AND RELATIONS, GROUP GOVERNANCE, CITIZEN RELATIONS AND URBAN MANAGEMENT, GROUP COMMUNICATIONS AND MARKETING, GROUP LEGAL AND CONTRACT, GROUP RISK AND ASSURANCE SERVICES AND GROUP FORENSIC AND INVESTIGATION SERVICES FOR THE PERIOD OCTOBER TO DECEMBER 2021

RESOLVED

- 1 That Council note the 2021/22 Second Quarter Budget and Performance Reports of the Office of the Chief Operation Officer, Office of the City Manager, Group Strategy Policy Coordination and Relations, Group Governance, Citizen Relations and Urban Management, Group Communications, and Marketing, Group Legal and Contract, Group Risk and Assurance Services and Group Forensic and Investigation for the period October to December 2021.
- 2 That Council adopt the Oversight Report of the Office of the Chief Operation Officer, Office of the City Manager, Group Strategy Policy Coordination and Relations, Group Governance, Citizen Relations and Urban Management, Group Communications and Marketing, Group Legal and Contract, Group Risk and Assurance Services and Group Forensic, and Investigation for the period October to December 2021 noting the observations made in the body of the report.
- 3 That the following departments OCOO, GSPCR, Group Governance, CRUM, Group Communications and Marketing, Group Legal and Contracts, and GFIS provide a detailed report of overspending on Employee Related Costs in the next quarter reporting.
- 4 That the OCOO, GSPCR, CRUM, and Group Communications and Marketing use contract services budget in the next quarter's reporting because it affects service delivery in the city.
- 5 That due to Quarter 1 reports not being passed at the correct time, the recommendations of Quarter 1 will carry over.
- 6 That the CRUM Quarter 2 report is not accepted.
- 7 GFIS provide a detailed report on status of cases with SAPS, courts, concluded and withdrawn on quarterly basis.

(COJ LEGISLATURE)
 (Doctor Mpondo)
 (Tel. (011) 407-7301)

- Item 65 OVERSIGHT REPORT OF OCOL ON THE 2021/22 THIRD QUARTER BUDGET AND PERFORMANCE ASSESSMENT REPORT OF THE LEGISLATURE OF THE CITY OF JOHANNESBURG OFFICE OF THE OMBUDSMAN FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That Council approve the 2021/22 Third Quarter Budget and Performance Assessment Report of the Office of the Ombudsman for the period January to March 2022, noting the observations cited in the body of this oversight report.

(COJ LEGISLATURE)

- Item 66 OVERSIGHT REPORT OF OCOL ON THE 2021/22 THIRD QUARTER BUDGET AND PERFORMANCE ASSESSMENT REPORT OF THE LEGISLATURE OF THE CITY OF JOHANNESBURG FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

That the 2021/22 Third Quarter Budget and Performance Assessment Report of the Legislature for the period 1 January 2022 to 31 March 2022 be approved by Council.

- Item 69 COMMENCEMENT OF THE RECRUITMENT AND SELECTION PROCESS FOR THE POSITION OF GROUP HEAD: GROUP COMMUNICATIONS & MARKETING

RESOLVED

- 1 That Council approve the report for the recruitment process of the Group Head: Group Communications and Marketing position for consideration by Council.
- 2 That Council approve the Interview Panel that will consist of:
 - (1) Chairperson: City Manager;
 - (2) Member of the Mayoral Committee (MMC): Group Corporate and Shared Services (GCSS);
 - (3) Member of the Mayoral Committee (MMC): Finance
 - (4) One (1) Councillor as designated by the Executive Mayor; and
 - (5) An external expert as designated by the City Manager.

(OFFICE OF THE CITY MANAGER)

Item 71 REMUNERATION OF PUBLIC OFFICE BEARERS ACT, 1998 (ACT NO 20 OF 1998) AS AMENDED: DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS: 2021/2022

RESOLVED

- 1 That Council note the contents of the report and Annexures attached hereto.
- 2 That Council approve the implementation of the upper limits of the salaries, allowances and benefits of different members of the Council of the City of Johannesburg Metropolitan Municipality, as set out in Notice No. R. 2126 as published in Government Gazette No.46470 of 02 June 2022 with effect from 1 July 2021.
- 3 That the Speaker of Council be authorized to submit an application, together with the Council resolution, the 2020/21 Audited Financial Statements and 2020/21 Auditor-General Management letter, to the MEC for Cooperative Governance and Traditional Affairs in Gauteng Province, the MEC, to obtain his concurrence before implementation of the provisions contained in this Notice.
- 4 That implementation of the provisions contained in this Notice be affected at the earliest possible date and in any case after concurrence has been obtained from the MEC.

(COJ LEGISLATURE)
(S C SEROBATSE)
(Tel. (011) 407-7487)

EFF DISSENT

Item 72 OVERSIGHT REPORT OF THE GOVERNANCE SECTION 79 COMMITTEE ON THE THIRD QUARTER PERFORMANCE ASSESSMENT REPORTS OF THE OFFICE OF CHIEF OPERATIONS OFFICER, OFFICE OF THE CITY MANAGER, GROUP STRATEGY POLICY COORDINATION AND RELATIONS, GROUP GOVERNANCE, CITIZEN RELATIONS AND URBAN MANAGEMENT, GROUP COMMUNICATIONS AND MARKETING, GROUP LEGAL AND CONTRACT, GROUP RISK AND ASSURANCE SERVICES AND GROUP FORENSIC AND INVESTIGATION SERVICES FOR THE PERIOD JANUARY TO MARCH 2022

RESOLVED

- 1 That Council note the 2021/22 Third Quarter Budget and Performance Reports of the Office of the Chief Operation Officer, Office of the City Manager, Group Strategy Policy Coordination and Relations, Group Governance, Citizen Relations and Urban Management, Group Communications, and Marketing, Group Legal and Contract, Group Risk and Assurance Services and Group Forensic and Investigation for the period January to March 2022.
- 2 That Council adopt the Oversight Report of the Office of the Chief Operation Officer, Office of the City Manager, Group Strategy Policy Coordination and Relations, Group Governance, Citizen Relations and Urban Management, Group Communications and Marketing, Group Legal and Contract, Group Risk and Assurance Services and Group Forensic, and Investigation for the period January to March 2022 noting the observations made in the body of the report.
- 3 That the Office of the City Manager provided a summary of performance that included challenges and mitigations for seven group functions and the Office of the COO reporting to OCM.
- 4 That the OCM report on the financial performance review in the following quarter's report.
- 5 That CRUM report accurate KPI performance on a quarterly basis, as the current report is incorrect.
- 6 That CRUM present to the Committee a mitigation strategy to deal with poor performing regions to improve service delivery.
- 7 That GFIS include the percentage spend table when reporting on Operating Expenditure in the fourth quarter reporting.

(COJ LEGISLATURE)
 (Doctor Mpondo)
 (Tel. (011) 407-7301)

Item 73 CHANGES IN MEMBERSHIP OF THE
 VARIOUS SECTION 79 COMMITTEES

The Whip of Council read out the following additional changes on the changes in membership of the various Section 79 Committees

Environment, Infrastructure and Services:

IN – Councillor Zondo LT (ANC)

OUT – Councillor Madiba TJ (ANC)

MPAC:

IN – Maila S (DA) (Full Member)

OUT – Councillor Maila S (DA) (Alternate)

IN – Santana C (DA)

OUT – Councillor Shackelford L (DA)

The Whip of Council further indicated that ActionSA had put in a list of changes in membership of the various Section 79 Committees.

The Speaker stated that the list of amendments is given to the secretariat and the amended list will be circulated to the whips for distribution to their caucuses.

RESOLVED

That Council approve the changes in membership of the various Section 79 Committees, as reflected in the body of the report and with additional changes in membership from ActionSA.

(COJ LEGISLATURE)
(M Maseko)
(Tel. (011) 407-7183)

Item 74 SCHEDULE OF MEETINGS OF THE CITY OF
JOHANNESBURG COUNCIL AND COMMITTEES:
JULY 2022 TO JUNE 2023

RESOLVED

- 1 That Council approves the proposed schedule of meetings for the period July 2022 to June 2023, as indicated in Annexure A attached to the report.
- 2 That the proposed schedule of meetings as per Recommendation 1 above, be reviewed as and when such need arises.

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

Item 75 REQUEST FOR EXTENSION OF THE
INVESTIGATION INTO THE ALLEGED
NON-COMPLIANCE AND/OR MISCONDUCT
BY THE HEAD OF DEPARTMENT :
PUBLIC SAFETY

The item was dealt with during In-Committee meeting.

RESOLVED

That the Municipal Council approves extension of the time period for the investigation into the allegations of non-compliance with procurement processes against the Head of Department Public Safety (Mr H Msimang) by a further 60 days.

(OFFICE OF THE CITY MANAGER)

- Item 76 REQUEST FOR EXTENSION OF THE INVESTIGATION INTO THE ALLEGED NON-COMPLIANCE AND/OR MISCONDUCT BY THE PREVIOUS ACTING CITY MANAGER FLOYD BRINK

The item was dealt with during In-Committee meeting.

RESOLVED

That the Municipal Council approves extension of the time period for the investigation into the allegations of non-compliance with procurement processes against the previous Acting City Manager (Mr F Brink) by a further 60 days.

(OFFICE OF THE CITY MANAGER)

- Item 77 REQUEST FOR EXTENSION ON INVESTIGATION INTO ACTS OF MISCONDUCT BY THE GROUP HEAD LEGAL AND CONTRACTS

The item was dealt with during In-Committee meeting.

RESOLVED

That the Municipal Council approves an extension to the time period for the investigation into the alleged acts of misconduct by the Group Head Legal and Contracts by the retrospective implementation of the conversion decision by a further 60 days.

(PRIVATE OFFICE OF THE EXECUTIVE MAYOR)

- Item 78 THE DISCIPLINARY HEARING RULING AUBREY MOCHELA

The item was dealt with during In-Committee meeting.

RESOLVED

- 1 That, in light of the legal opinions received from Cheadle Thompson & Haysom Inc and Adv Redding SC, the City proceeds with an application to review the disciplinary decision of Adv P Seleka SC.
- 2 That pending the outcome of the review, or until otherwise decided, authorises the City Manager to extend the incumbent's special leave in terms of regulation 32 of the Regulations for the Appointment of Senior Managers.

- 3 Authorises the City Manager to place the incumbent on precautionary suspension in terms of regulation 6 of the Disciplinary Regulations for Senior Managers should he not agree to take special leave.

(OFFICE OF THE CITY MANAGER)

COPE DISSENT
IFP DISSENT
UIM DISSENT
ATM DISSENT

Item 79 CHANGE IN APPOINTMENT OF
 ACTING CITY MANAGER

RESOLVED

- 1 That the Council resolution taken on 26 April 2022 to appoint Mr Tiaan Ehlers as the Acting City Manager, be reviewed and amended to:
- (1) Confirm Mr T Ehlers appointment from the 26 April 2022 up to and including the 30 June 2022;
 - (2) Request the Board to second him from JCPZ and to release Mr Bryne Maduka to the City and that the City reimburse JCPZ for the salary of Mr Maduka for the acting period in accordance with the City's Employee Mobility Policy and the Municipal Staff Regulations;
 - (3) Appoint Mr Bryne Maduka, Managing Director of Johannesburg City Parks and Zoo ("JCPZ"), as Acting City Manager with effect from 1 July 2022 until the recruitment process for the City Manager is completed and a new City Manager is appointed.
- 2 That a discretionary allowance of 12% be paid per month on the technical basic portion / basic salary of the remuneration of the acting employee for the duration of the acting period.

(PRIVATE OFFICE OF EXECUTIVE MAYOR)
 (Chief of Staff)
 (Mr M Moriarty)

4 MOTIONS

The Speaker recused himself from the discussion of the motion.

PROPOSER: CLLR T AMAD
 SECONDER: CLLR K GWAMANDA

Councillor Amad T (Aljama-ah) presented the motion as follows:

NOTICE OF A MOTION IN TERMS OF THE STANDING RULES AND ORDERS OF THE COUNCIL READ WITH THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES (ACT 117 OF 1998).

Kindly take notice that in terms of Chapter 7, Rules 89 and 94(1) of the Standing Rules and Orders of the Council of the City of Johannesburg, read together with sections 390 and 40 of hereby request the Speaker of Council at the next Ordinary Council Meeting to table the following motion for debate and voting in Council as follows:

MOTION

- *Vote of no Confidence against the Speaker, Councillor Vasco Da Gama.*

KINDLY TABLE THE MOTION ACCORDINGLY

BACKGROUND

- *There is an idiom that says, "A leopard never changes its spots", which simply means that a person cannot change their basic personality, habits and character easily. This idiom has shown itself in practice in the City of Johannesburg Council. In 2019, the Council of the Greater Johannesburg declared Councillor Vasco da Gama unfit to hold the Speaker's seat. A motion of no confidence was passed in Council for his removal successfully.*
- *After 2021 Local Elections, the DA led administration went against the motion by re-electing the same personnel in the Speaker's seat, thus, making citizens suffer the same fate of partialism, inaccessibility of Council to the public and continue built mistrust between Councillors which renders council business dysfunctional.*
- *The Speaker has failed to safeguard the independence of the Council, but led his own political stance to interfere with the Council business:*
 - *On the 26 January 2022, the Gauteng Provincial MEC of COGTA, Mr Lebogang Maile, together with the Speaker of Council called a political meeting with party leaders.*
 - *This was following a series of Council meetings that were collapsed due to chaos that erupted during its proceedings.*
 - *The meeting was intended to ensure that political parties can reach a level of compromise to allow the Council to conduct its business with decorum in the City of Johannesburg*
 - *The Speaker disregarded intervention by the MEC and dimmed it unconstitutional. However, the minutes adopted in the previous counted dated 18 January 2022, recommended a meeting between the MEC of COGTA, the Speaker of Council and political leaders of parties represented in the Johannesburg City Council.*
- *The Speaker of Council and his partisan position as it relates to proceedings of the business of Council became oblivious to the fact that, adopted minutes of council are "mutually exclusive and collectively exhaustive". Proceeded with utter disregard of the agreement that was*

meant to ensure that Council business is conducted and concluded with decorum.

- *Therefore, based on the adopted minutes dated 18 January 2022 that enabled the Speaker to affirm chairpersons of Section 79 oversight committees as uncontested.*
- *It should be noted that the Speaker of Council did not rule on other critical recommendations made to the Council, nor did he dispute the recommendation.*
 - *This recommendation, therefore, stands as a Council resolution and thus holds the Speaker in contempt of Council under Rule 149(3) in the Standing Rules of Council.*

IT IS THEREFORE RECOMMENDED THAT:

A motion of No Confidence against the Speaker, Councillor Vasco Da Gama be passed by Council.

The acting Speaker, Councillor Makhubele C, posed a question to the House if the motion was supported. Some of the Councillors opposed the motion, as the result, the debate in this regard continued.

Councillor Gwamanda K, (Aljama-ah) addressed Council in support of the motion.

Councillor Sithole A, (ACDP) addressed Council against the motion.

Councillor Radebe N, (EFF) addressed Council in support of the motion.

Councillor Coutriers M, (ActionSA) addressed Council against the motion.

Councillor Christians A, (DA) addressed Council against the motion.

Councillor Raphadu T, (ANC) addressed Council in support of the motion.

Councillor Amad T, (Aljama-ah) closed the debate on the proposed motion.

Following the debate, the acting Speaker asked if the motion was agreed to, some Councillors agreed and some disagreed. As a result, the acting Speaker requested Councillors to vote by a show of hands to determine the outcome of the motion.

Councillors present voted as follows:

FOR – 111

AGAINST – 137

ABSTENTIONS – 0

The acting Speaker thereafter declared that the motion did not carry.

Councillor Marema VA, (ANC) raised a concern with regards to the credentials of Councillors that were present in the Chamber before the commencement of the voting process. He demanded a recount.

Councillor Raseruthe S, (EFF) addressed Council and said that there were Councillors who came into the meeting while the voting was in progress. He further said that they are asking for the acting Speaker to occupy Speaker's seat to conclude her business because the said item was not closed yet. He added that they wanted to know how many votes were against, for and abstained. He said they did not get to hear the entire announcement because the other side started celebrating even before the acting Speaker completed issuing out results.

The Speaker responded that he was not going to allow further debate on the matter and said that the announcement was made by the Chair of Chairs (acting Speaker), and that he could repeat the outcome of the vote, for the benefit of Councillors who missed the announcement. Speaker added that the election was declared, and the issue was closed.

Councillors Novela M, (EFF) addressed Council and said that the Speaker knew it was a conflict of interest that the Speaker would be the one presiding over the issues that rose from the motion of no confidence against him. He further added that when the meeting started, the Speaker established if there was a quorum and announced that there were 190 Councillors, and now the outcome of the votes suggests there are more than 190 Councillors in the House. He concluded that it was only fair that the Speaker allows the Chair of Chairs to preside over verifying quorum as the numbers do not add up.

The Speaker responded that the Item had been closed by the acting Speaker and she vacated the seat once the matter was resolved. And that the business of Council will proceed.

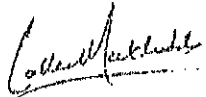
MOTION PUT AND NOT CARRIED

5 ANNOUNCEMENTS AND CLOSURE BY THE SPEAKER

Councillor Coutriers, on behalf of ActionSA extended well-wishes to Councillor Wissler as she was undergoing a major operation in hospital. He further bid farewell to Councillors S Chalufu and M Kanda.

The Speaker applauded Councillors for their behaviour during this two-day sitting. He requested all Ward Councillors that would be going on holiday to ensure that there is somebody looking after their wards while they are away on recess.

THE MEETING ADJOURNED AT 20:08.



.....
SPEAKER OF COUNCIL
CLLR C MAKHUBELE

02/05/2023

.....
DATE