



CITY OF JOHANNESBURG
METROPOLITAN MUNICIPALITY
OFFICE OF THE SPEAKER

MINUTES OF THE 9TH EXTRA-ORDINARY COUNCIL MEETING OF THE CITY OF JOHANNESBURG MUNICIPALITY HELD ON FRIDAY, 30 SEPTEMBER 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 RECOMMENDATIONS TO COUNCIL**
- 4 MOTION**
- 5 ANNOUNCEMENTS BY THE SPEAKER**

MEMBERS PRESENT

The Speaker: Makhubele, T C

Amad, T	Masuku, L
Arnolds, M S	Maswazi, R
Baloyi, D L	Mathe, G
Bolani, M G	Mathe, Z E
Buthelezi, T C	Mavhona, L S
Chair, C A	Mazibuko, N
Chauke, K L	Mazibukwana, M
Chetsanga, H	Mgcina, S E
Dammie, B H	Mhlari, T M
Davis, M R	Mhlongo, T A
Diadla, D	Mkasi, G
Dlamini, B	Mkhize, T
Dlanjwa, M	Mmbengwa, M N
Fresling, R R	Mmota, L
Galeshewe, T M	Mngadi, W B
Gwamanda, K	Mnisi, N D
Hlatshwayo, S M	Mnyameni, M
Ismail-Moosa, I	Modladlaba, D S
Kaldine, J	Modupi, D N
Khanyile, N M	Moepi, N J D
Khumalo, X I	Moeti, O T
Komane, S A	Mofokeng, J
Kwapeng, C	Mofokeng, M P
Lebea, M G	Mogapi, T A
Lefutso, L	Mokoari, Z
Leshilo, R S	Mokoena, G
Lobi, M	Mokwena, T M
Maake, M J	Molefe, E W
Mabaso, M P	Molefe, M
Mabuke, T A	Molefe, S B
Mabuza, S K L	Molise, L D
Machethe, S	Morero, S E
Madiba, T J	Mosehla, K J
Magwaza, B L P	Mothopi, O Z
Magwentshu, L C	Mphaho, M A
Makamo, S S	Mphahlele, M
Makhuba, H N	Mpolobosho, M M
Maluleka, T	Mpotulo, G S
Manganyi, D B	Mulelu, M
Mangena, T D	Mutavhatsindi, N T
Marema, V A	Nair, R K
Marumo, T	Ndilela, M C
Mashinini, S	Ndou, N L

Ndou, P
Ndou, P
Ndzondo, C M
Nenemba, T
Nethamba, R
Ngema, S V
Ngoepe, C S
Nguse, S
Ngwenya, F N
Ngwenya, J A
Nhlapo, C P
Nkokou, T P
Nkosi, R A L
Nkubungu, L
Nofemela, N
Nonkumbi, I M
Nontenja, C T
Novela, M
Ntoele, N L
Nyembe, Z P
Nzimande, C
Phakathi, S
Phillips, L E
Phometsi, P S
Ponsonby, D A
Radebe, N P
Radebe, T T
Rafferty, P D
Raholane, M W

Ramafikeng, D J
Raphadu, A T
Raseruthe, S H
Rohlssen, C K
Seema, S M
Seerane, M K
Sekwaila, B J
Sesedinyane, M I
Shange, P A
Simelane, P
Simelane, S O
Sindani, F P
Supe, N P
Tabane, M C
Tambani, P S
Tefu, P V
Telekoa, A T
Tshedo, J G
Tshehlo, G J
Tsotetsi, L Y M
Twala, Y A
Wilskut, D
Xuma, L
Zama, A A D
Zazini, A
Zitha, S L
Zondo, L T
Zungu, N G

1 OPENING

The Speaker requested Councillors to observe a moment of silence. She welcomed all Councillors; Members of the Media and visitors in the gallery to the 9th Extra-Ordinary Council meeting of the City of Johannesburg.

She requested Legal to confirm the number of Councillors present to determine quorum. It was confirmed that there were 145 Councillors that had signed the register and the Speaker asked Councillors that had not signed the register to do so.

The DA caucus yelled out requesting water and said they do not have water where they are sitting and that they were very thirsty as it was very hot.

Speaker confirmed water would be brought into the Chamber.

2 APPLICATIONS FOR LEAVE OF ABSENCE

The following leave of absence from the meeting was granted:

Councillor A Sauls I : Private Business

Councillor Christians (DA) thanked the Speaker for ensuring that quorum was verified properly and stated that he wanted to give a reason why the DA caucus did not sign the register for the meeting.

The Speaker responded to Councillor Christians that Council was dealing with leave of absence and that he should indicate who is absent. She further asked if Councillor Christians was registering an apology?

Councillor Christians (DA) responded that was his intention when he rose to address the Speaker, to issue an explanation on the reason why they did not sign the register, which then would lead to the leave of absence.

Councillor Masuku (ANC) rose on a point of order and said that Council needed to verify first that people who speak in a duly constituted Council meeting, are people that had signed the register, otherwise those people have no grounds to speak in the meeting.

Councillor Novela (EFF) called a point of order on the Speaker and said the Speaker was starting on a wrong note. He further said that the minute Councillor Christians addressed the Speaker and indicated they did not sign the register, immediately the Speaker was not supposed to allow Councillor Christian to speak because they were not part of the meeting. He said that only 145 Councillors had signed the register and those are the Councillors that should participate in this meeting. He said that the Speaker should not allow herself to be abused. He concluded that the DA caucus did not sign the register and therefore, they should not be acknowledged.

The DA caucus started yelling and calling out to the Speaker.

1. Executive Mayor, Councillor Mpho Phalatse failed to disclose to the Council her criminal case related to her alleged corruption in relation to the Field Band Foundation conflict of interest. This lack of disclosure and accountability to Council demonstrate the Executive Mayor, unethical behaviour to account to Council and the people of Johannesburg.
2. The Executive Mayor, Councillor Mpho Phalatse has failed to report on a quarterly basis on the implementation of all Council resolutions. The Executive Mayor is in contempt of Council as indicated in Rule 37(1) which states:

‘the Executive Mayor must report on a quarterly basis on the implementation of all Council resolutions. The Agenda of the meeting of the Council must include a return showing the status of the implementation of each decision of Council that has not yet been reported as having been finalised on a fore-going schedule.’
3. Chapter 1 of the Constitution of the Republic of South Africa states that the Republic of South Africa is one, sovereign, democratic state founded on the following values:
 - a. Human dignity, the achievement of equality and the advancement of human rights and freedoms.
 - b. Non-racialism and non-sexism.
 - c. Supremacy of the Constitution and the rule of law.
4. Since taking office Executive Mayor, Councillor Mpho Phalatse has spent on average R40 million on 3 law firms whose sole mandate was to purge City employees. To date the City is experiencing a serious cashflow crisis, which has resulted in the operating on overdraft.
5. Executive Mayor, Councillor Mpho Phalatse, has no capacity to apply principles of evidence-based decision making. Her weakness has resulted in her deliberate interference with the administration. This goes against the Code of Conduct for Councils in the Municipal Systems Act, Schedule 1, which states:
“A councillor may not, except as provided by law-
 - a. interfere in the management or administration of any department of the municipal council unless mandated by council;
 - b. give or purport to give any instruction to any employee of the council except when authorised to do so;
6. She placed a moratorium on all appointments, which contravened national government’s new regulation. Her actions undermines National government Circular No. 12 of 2022, which provides guidance on the implementation of the local government Municipal Systems Act, 2000: Local government staff regulations and guidelines- GNR 890 as published in Government Gazette 45181 and other related regulations.
7. The law requires that when the city panel recommends appointments to Council, the report must have 3 names so that in the event the number one declines the job, number 2 must be appointed, and if number 2 declines then number 3 must be appointed. The Executive Mayor, Councillor Mpho Phalatse, deliberately presented a report which does not comply with the appointed

regulations for senior managers of 2014 in particular regulation 15(6). She deliberately misled Council by concealing non-compliance with the Appointment Regulation 2014. This illegal action by the Executive Mayor, Councillor Mpho Phalatse outlines her application of her party's cadre deployment approach.

8. As a result, we have lost confidence in the Executive Mayor, Councillor Mpho Phalatse

BELIEVING THAT

- The Executive Mayor is in breach of her duties and responsibilities as outlined in the Municipal Structures Act Section 56 that states that the Executive Mayor must:
 - 3(d) 'monitor the management of the municipality's administration in accordance with the directions of the municipal council:
 - (5) report to the municipal council on all decisions taken by the executive mayor.

IT IS THEREFORE RECOMMENDED THAT:

1. A motion of no confidence against the Executive Mayor, Councillor Mpho Phalatse, be passed by Council.
2. That, upon passing of the motion of no confidence against the Executive Mayor Councillor Mpho Phalatse, an election of the Executive Mayor be done in accordance with Section 55 of Local Government Municipal Structures Act 117 of 1998 read with Schedule 3 of the Municipal Structures Act in order to fill the said vacancy.

The Speaker asked if the motion was supported.

Councillor Mabaso M (IFP) addressed Council and said that before he could register their position as the IFP, he would like to register their concerns on the decorum of the meeting. He added that they came to participate in Council because they respect the Office of the Speaker, and when an Extra-Ordinary meeting is convened, as Councillors they are expected to adhere, respect and honour the invitation.

The Speaker in her response said that voting was in progress and she needed the IFP's position on the motion. She mentioned that the point of order would be addressed when the voting process was completed.

Councillor Masabaso (IFP) said that the IFP was abstaining.

Councillor de Lange FC (FF+) rose on a point of order.

The Speaker asked Councillor de Lange if he had signed the register? Councillor de Lange (FF+) in his response said that this was an illegal meeting, and as elected Councillors they do not take part in any illegal meetings and processes and wanted to put it in record that there was an illegal Programming Committee that took place and it did not quorate.

The Speaker interjected and said that the abstention of the IFP is noted, and that no Councillors raised their hands against the motion. She indicated that Councillor de Lange did not sign the register. She asked if there was any other party that would like to register their position with regards to motion.

Councillor Nkomo (DA), addressed Council and said that he had been covered by some of what his colleagues had said but wanted to register that they had requested for 1-hour caucus break before the motion was tabled and asked when would the Speaker grant them the caucus break.

The Speaker said that she would announce the results and then grant a 30-minute caucus break, if the IEC was not ready, she would extend the caucus break to an hour to allow the IEC time.

The result by a show of hands were as follows:

YES: 139
NO: - 0
ABSTAINED: IFP

She declared that the motion was carried.

MOTION PUT AND CARRIED

5 ELECTIONS PROCESS FOR THE POSITION OF THE EXECUTIVE MAYOR

The Speaker welcomed Council back and requested Legal to verify the number of Councillors present in order to determine the quorum. She reported that there were 145 Councillors present in the Chamber, therefore the meeting quorate. She informed the Council that before the break, a motion of no confidence against the Executive Mayor, Councillor Mpho Phalatse was tabled and carried by 139 votes, no votes against and the abstention from the IFP. She took Council through procedure of the IEC, who were now present to assist with the election of the new Executive Mayor of the City of Johannesburg.

She stated that the Executive Mayor of the City of Johannesburg Municipal Council was removed from office in terms of Section 58 of Local Government Municipal Structures Act 1998, Act 117 of 1998, as amended herein referred to as the Act. She added that there was a vacancy in the office of the Executive Mayor and the provision of Section 36 of the Act shall apply.

Section 55 (2) states, "Election of Executive Mayors;

1. ...
2. *A vacancy in the office of the Executive Mayor or Executive Deputy Mayor must be filled when necessary.*

3. *The procedure set out in Schedule 3 applies to the election of an Executive Mayor and Executive Deputy Mayor"*

She further took Council through Schedule 3:

- *In terms of Schedule 3 to the Act, as the Presiding Officer, I must call for nominations of candidates for the vacant position of Executive Mayor at this meeting;*
 - *Each nomination must be submitted on the prescribed form and must be signed by two Councillors, a nominee and a seconder;*
 - *A person's nomination must indicate acceptance of the nomination by signing the nomination form;*
 - *Furthermore, Item 4 of Schedule 3 to the Act, requires that the person presiding at this meeting to announce the names of persons who have been nominated as candidates but may not permit a debate.*
 - *In terms of Item 5 of the Schedule, if only one candidate has been nominated, the person presiding must declare that candidate elected;*
 - *If more than one candidate is nominated, and in accordance with Item 6 of the schedule.*
 - (a) *A vote must be taken at the meeting by secret ballot;*
 - (b) *Each Councillor present at the meeting may cast one vote;*
 - (c) *The person presiding must declare the elected candidate who receives the majority of the votes;*
- *In terms of Item 7 of the Schedule; "Elimination Procedure,*
 - (1) *If no candidate receives the majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with Item 6. This procedure must be repeated until a candidate receives the majority of the votes.*
 - (2) *When applying sub item (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates and repeated as often as may be necessary to determine which candidate is to be eliminated".*
 - *In terms of Item 8, "Further Meetings,*
 - (1) *If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.*
 - (2) *If a further meeting is held in terms of sub item (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.*
 - (3) *If at a further meeting held in terms of sub item (1) only two candidates are nominated, or if only two candidates remain after the elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by*

lot who of the two candidates will hold the office for which the election has taken place"

The Speaker informed Council that the IEC had been requested to conduct the election and they had accepted the request. She requested that Councillors and relevant officials cooperate with the IEC in that regard. She said that the meeting would proceed with the election of the Executive Mayor of the City of Johannesburg, in accordance with Schedule 3 of the Act as outlined above.

She announced that they would distribute the nomination forms to the Whips of parties and granted 10 minutes to afford them an opportunity to nominate their preferred candidates. Subsequently, the Speaker announced that two nominations were received; one of the two was spoilt and was non-complaint. She stated that there was one nomination that complied, and the proposer was Councillor L Phillips (GOOD), the seconder was Councillor M Mpolobosho (AHC) nominating Councilor Morero SE (ANC).

Councillors Phillips (GOOD) and Mpolobosho (AHC) were given an opportunity to read through the nomination form and Councillor Morero (ANC) subsequently accepted the nomination.

The Speaker referred Council to Item 5 of the Schedule which states:

- *"In terms of Item 5 of the Schedule, if only one candidate has been nominated, the person presiding must declare that candidate elected;"*

The Speaker thereafter declared Councillor S Morero (ANC) unopposed, duly elected as the Executive Mayor of the City of Joburg. She accordingly congratulated the newly elected Executive Mayor.

SPEECH BY THE NEWLY ELECTED EXECUTIVE MAYOR, COUNCILLOR MORERE S (ANC)

The Executive Mayor, Councillor Morero (ANC) addressed Council as follows:

"Greeting to the democratically elected Speaker, Councillor Colleen Makhubele; fellow Councillors I greet you in the name of happiness; greetings to our administrative leadership; fellow Joburgers, dumelang, molweni, hello. We also acknowledge the leaders of the parties: The leaders of the Economic Freedom Fighters; Patriotic Alliance; African Independent Congress; Aljama-ah; COPE; African Hearts Congress; the PAC and APC.

Speaker, when we say we love Joburg, we really mean our words. Joburg is our first love. It is a love like no other. It requires protection and guidance. When you love, you respect. When you love, you appreciate the history and origins of the beauty that lies in front of you. When you love, you plan and make sure that your plan is implemented. It is against this backdrop that we need to go back to our developmental path of growing Johannesburg to a World Class African City, that it once was. Our Growth and Development Strategy 2040, which is our long-term developmental strategy takes us there.

We continue to apologize and humble ourselves for our mistakes, and we learnt valuable lessons. It is through learning that we can correct our ways and focus on the future.

Madam speaker and to our fellow joburgers, the Constitution brought us together and encourages us as local government to always ensure the involvement of communities and community organisations in matters of local government. What has happened today is an illustration of what can go wrong when a government fails to serve the people. Our communities have suffered enough. They were promised change, and change moved to a 'false golden start'.

Enough is enough! Let us go back to a government that is focused on:

- 1. Improving the quality of life and ensuring that development-driven resilience for all takes place.*
- 2. Building sustainable City which protects its resources for future generations and a city that is built to last and offers a healthy, clean and safe environment.*
- 3. Creating an inclusive, job-intensive, resilient and competitive economy that harnesses the potential of citizens.*
- 4. Re-creating a high-performing metropolitan government that proactively contributes to and builds a sustainable, socially inclusive, locally integrated and globally competitive Gauteng City Region (GCR) good governance requires an efficient administration, but also respect for the rule of law, accountability, accessibility, transparency, predictability, inclusivity, equity and participation.*

It is heart breaking that the City's main entities are financially on their knees with unsustainable overdrafts such as City Power, which is sitting on R8 billion negative cash balance. How do we fix a City that has financially collapsed? 10 months of golden promises, have taken us 100 years back. Yes, we are not financially stable. Collectively we can fix this mess. Thank you for trusting us with the task of leading the City of Johannesburg and we will fix the financial position of the City.

As the incoming administration we will immediately review and restructure the balance sheets of the ailing municipal entities to put them on a solid financial position. The City's debt position requires an in-depth analysis and where appropriate and needed, we will collaborate with financial institutions to bring back the debt level of the City to an affordable and sustainable level.

We must immediately activate the Financial Developmental Plan to strengthen the City's finances and improve its credit rating to reduce the finance costs of borrowing. We have no choice but to implement a revenue enhancement strategy to improve the fortunes of the City which will avail additional funds to be deployed in much needed infrastructure programmes and maintenance.

Based on our governance experience we will stabilise the City's finances and ensure that the City is taken away from right-wingers and returned to the citizens of Joburg.

Madam Speaker we must solve our energy crisis, Joburg cannot continue to function in darkness when we have the experience of resolving this problem. We have done it before, and we will do it again. We have an energy sustainability strategy that will

ensure the delivery of conventional power and integrate new distributed energy generation and energy storage facilities into the energy mix. This is of course positive news for the City of Johannesburg.

With this innovative approach the City must utilize new alternate energy sources together with energy storage systems to reduce load shedding throughout the City of Johannesburg. This should be good news for the businesses and residents of Johannesburg. Also, by introducing this plan, we will impact on load shedding. The new energy mix is designed to relieve the pressure on Eskom, not make the situation worse.

Municipalities across the country are the most basic units of developmental service delivery by government. Developmental service delivery entails an understanding that municipalities are assigned the role to mobilise economic resources for service delivery towards the improvement of the lives of all citizens. Secondly, developmental service delivery views the delivery of basic services as a fundamental building blocks of improved quality of life to foster human dignity, well-being and improved livelihoods.

The People of Johannesburg are the source of our strength. We have to keep the City clean. The wellness of the people of Johannesburg depends on us. We should take this task as a collective responsibility and not as a party programme. In keeping the City clean, we must continue to protect the environment by implementing programmes that focus on:

- 1. Litter picking – public spaces*
- 2. Clearing illegal dumping*
- 3. Grass-cutting programme*
- 4. Recycling programme*
- 5. Reeds and wetland maintenance*
- 6. Pollution prevention: air, water and land*

Madam Speaker and fellow Councillors, Today, is a good day. It is a good day to fall in love again.

Thank you, to the political parties in Council that used their consciousness to create a historical change in the City of Johannesburg.

To the minority parties, you must never be undermined. You earned your seats in Council and your voice must be heard.

Thank you to the African National Congress for trusting me with the task of leading the people of Johannesburg.

We can now home say, Madam Speaker, that we are home and we will create a home for all to enjoy.

THANK YOU!"

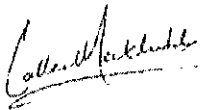
The Speaker thanked the Executive Mayor for the inspiring acceptance speech and welcomed him.

6 ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced Urgency Reports would be dealt with on the next meeting.

She thanked Councillors for attending the meeting and for assisting the IEC to complete their processes to ensure that the election was free, fair and transparent. She wished Councillors a blessed and refreshed time during their recess.

THE MEETING ADJOURNED AT 13:10.



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SPEAKER OF COUNCIL
CLLR C MAKHUBELE

02/05/2023

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DATE