



CITY OF JOHANNESBURG
METROPOLITAN MUNICIPALITY
OFFICE OF THE SPEAKER

MINUTES OF THE 7th ORDINARY COUNCIL MEETING OF THE CITY OF JOHANNESBURG MUNICIPALITY, HELD ON WEDNESDAY 31 AUGUST 2022, AT 10:00, AT THE CONSTANCE CONNY BAPELA COUNCIL CHAMBER, METROPOLITAN CENTRE, BRAAMFONTEIN

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The Speaker: Councillor Da Gama, V M

The Executive Mayor: Councillor Phalatse, M

Alexander, W R	Gantsho, L
Amad, T	Goosen, J W
Amod, C J	Gwamanda, K
Arnolds, M S	Harris, R
Attebury, E	Hlatshwayo, S M
Baloyi, D L	Hoén, J N
Benjamin, R F	Homer, C
Bini, L	Horwitz, J
Bittkau, R	Huggett, E A
Boer, C	Hughes, Z
Bolani, M G	Ismail-Moosa, I
Brand, D G	Jacobs, B
Buthelezi, T C	Johnson, N
Chabalala, M D	Jainoodeen, Z
Chair, C A	Jonker, N
Chame, F	Kaldine, J
Chauke, K L	Kgeletsane, M O
Chetsanga, H	Khanyile, N M
Christians, A	Khumalo, X I
Coogan, L C	Knott, L R
Coutriers, M J	Koekemoer, M
Coverdale, D L T	Komane, S A
Crichton, M	Kwapeng, C
Da Rocha, C M D	Landis, R
Dammie, B H	Lebatlang, T Z
Dauids-Green, L C	Lebea, M G
Davis, M R	Lefutso, L
De Lange, F C	Leshilo, R S
Dellwaria, N	Liebenberg, E
Deppe, A J	Lobi, M
Dewes, D S	Louw, M A
Diadla, D	Maake, M J
Dlamini, B	Mabaso, M P
Dlanjwa, M	Mabelebele, S S
Durand, G V M	Mabuke, T A
Dyers, S	Mabunda, T E
Echeozonjoku, B C	Mabuza, S K L
Edward, N	Machaba, L M U
Finn, C E	Machethe, S
Foley, D T	Madiba, T J
Fourie-Shawe, C	Magwaza, B L P
Francisco, D B	Magwentshu, L C
Fresling, R R	Maila, S M
Galeshewe, T M	Majola, S

Makamo, S S	Molefe, E W
Makhuba, H N	Molefe, M
Makhubele, T C	Molefe, S B
Maluleka, T	Molise, L D
Manganyi, D B	Moloiwane, D
Mangena, T D	More, E
Marais, A F	Morero, S E
Marais, S I	Mosehla, K J
Marema, V A	Mothopi, O Z
Marumo, T	Mphaho, M A
Mashala, K	Mphahlele, M
Mashinini, S	Mphefo, L M P
Masoga, L M	Mpolobosho, M M
Masuku, L	Mposula, T
Maswazi, R	Mpotulo, G S
Mathe, G	Mthembu, M N
Mathe, Z E	Mulelu, M
Mavhona, L S	Munyayi, V E
Mazibuko, A L	Mutavhatsindi, N T
Mazibuko, N	Nair, R K
Mazibukwana, M	Ndlela, M C
Mbundu, N N	Ndou, N L
Mchunu, A	Ndou, P
Meyers, T	Ndou, P
Mgaga, B	Ndzondo, C M
Mgcina, S E	Nefdt, P W
Mhlari, T M	Nenemba, T
Mhlongo, T A	Nethamba, R
Mkasi, G	Ngema, S V
Mkhize, T	Ngobeni, L M
Mkhonto, M S	Ngobeni, R F
Mmbengwa, M N	Ngoepe, C S
Mmota, L	Nguse, S
Mngadi, W B	Ngwenya, F N
Mnisi, N D	Ngwenya, J A
Mnyameni, M	Nhlapo, C P
Moatshe, K	Niemand, G J
Modladlaba, D S	Nkokou, T P
Modukanene, L C	Nkomo, B
Modupi, D N	Nkomo, E T
Moepi, N J D	Nkomo, P T
Moeti, O T	Nkosi, R A L
Mofokeng, J	Nkubungu, L
Mofokeng, M P	Nkwanyana, P B
Mogapi, T A	Nofemela, N
Mohlala, C	Nonkumbi, I M
Mohlala, P K	Nontenja, C T
Mokoari, Z	Novela, M
Mokoena, G	Ntoele, N L
Mokoka, M L	Ntombela, M J
Mokwena, T M	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
Sesedinyane, M I
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
Smith, C 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
Tshedho, J G
Tshehlo, G J
Tsotetsi, L Y M
Twaala, 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
Xuma, L
Zama, A A D
Zazini, A
Zitha, S L
Zondo, L T
Zungu, N G
Zwane, S

1 OPENING

The Speaker requested Council to stand and observe a moment of silence.

He welcomed the Executive Mayor, Councillor Mpho Phalatse; Whip of Council, Councillor Tyrell Meyers; all political party leaders and Whips; Members of the Mayoral Committee; Chair of Chairs, Councillor Colleen Makhubele; Chairpersons of the Section 79 Committees; fellow Councillors; acting City Manager, Mr Bryne Maduka; acting Secretary to Council, Mr Madimetja Molekwa; officials of the City of Johannesburg; residents of the City of Johannesburg and members of the Media to the 7th Ordinary Council meeting of the City of Johannesburg Municipality.

He thereafter addressed Council as follows:

"Councillors, this morning I start with some good news: The MEC for COGTA, Mr. Lebogang Maile, has signed the concurrence and the Councillors' upper limits will be paid in the September 2022 Councillor salary run.

Since our last Ordinary Council Meeting, the City of Johannesburg and the country have lost a number of notable artistic and political figures: I would like to hold a moment of silence for Don Mattera, Jesse Duarte, Rita Ndzanga and Rehana Adam. While we remember these icons, let us not forget our community members in Eldorado Park, Alex, Westbury, Ennerdale, Riverlea and the other areas that have been marred by the recent spate of violent shootings.

During this time, there has also been some positive news: A new Miss South Africa was crowned. The City of Johannesburg wishes Miss Ndavi Nokeri well in her reign this year; and earlier this month the Zulu King, Misuzulu ka Zwelithini, was crowned in a traditional ceremony, on behalf of the City of Johannesburg, I wish him well in the reign of his Kingdom as well.

The Legislature has hosted three weekends of successful Ward Committee inductions. It has been heartening to see the Ward Committee members who are committed to working in our local communities and being that bridge between local government and the community needs. The last week of inductions will take place on Saturday, and the Ward Governance unit will begin with Community Based Planning on 1 October 2022. It is important that Councillors take note of the date, so you are able to engage with your communities and plan properly to ensure that they become part of the budget.

The City of Johannesburg's Legislature is committed to consistent interaction with the residents in every local community. Through the successful IDP sessions we hosted earlier this year, that saw increased community inputs to the upcoming CBP sessions, the Legislature, through its Ward Governance Unit, will continue to assist Ward Committees and local communities in identifying the resources that exist within each community and how the City's resources can best be utilised to provide the social support that will be of the most benefit.

We have a duty to reach every resident in Johannesburg, to show them that their interaction with local government has an impact on their day-to-day lives. The positive reception I have received at the Ward Committee inductions shows how eager our residents are to engage with local government, to work towards the City's goal of repairing and rebuilding the City.

As I remind elected Ward Committee members when they sit in their meetings, they represent the entire ward not just those that elected them. When we enter this Chamber as Councillors, we have a duty to represent the best interests of the residents of the entire City of Johannesburg. With those words, I once more welcome you all to this meeting."

The Speaker requested Legal Advisors to confirm the number of Councillors present to confirm the quorum. He announced that there were 250 Councillors present at the meeting, therefore, a quorum was formed. He urged Councillors that did not sign the register to continue to sign the register.

2 APPLICATIONS FOR LEAVE OF ABSENCE

The following Councillor submitted leave of absence:

Councillor Kaldine J - Private Business

The following Councillors requested to arrive late:

Councillor Xuma L i

Councillor Novela M

Councillor Harris R requested for ACDP caucus to leave the meeting at 17:00 for urgent private business.

3 OFFICIAL NOTICES

3.1 Statement by the Executive Mayor

The Executive Mayor addressed Council as follows:

"Good morning to fellow Councillors; esteemed guests; ladies and gentlemen. I will be sweet and short: The R77.3 billion budgets kicked in on the 01st of July and it is at work, and our residents are starting to feel the change.

We have been meeting with various private sector stakeholders and they are ready to work with us on the repair and rebuilt of Johannesburg. Joburg is also open for business; conferences; festivals and sporting events are back, as you may be aware, and processes are also at an advanced stage that will enable us to mitigate load shedding. The RFQ, as we speak is with National Treasury for sign off, so, soon we will be able to report back on that.

Enjoy Council today, looking forward to a fruitful meeting. Thank you, Speaker."

The Speaker asked Councillors to please join him in wishing the following Councillors well as they celebrated their birthdays during the month of August. Including those who celebrated their birthdays in July as there was no Council meeting scheduled for July:

JULY	
CHAUKE	KL
COUTRIERS	MJ
DELLWARIA	NN
GALESHEWE	TM
KHUMALO	XI
KOEKEMOER	M
LEBATLANG	TZ
MAKAMO	SS
MASUKU	L
MNISI	ND
MOSEHLA	KJ
MPHEFO	LMP
NGOBENI	LM
NGWENYA	JA
PAPO	MM
REDDY	VM
SHANGE	PA
ZITHA	SL

AUGUST	
AMOD	CJ
DAVIDS-GREEN	LC
DEPPE	AJ
DURAND	GVM
FRANCISCO	DB
FRESLING	RR
JONKER	N
LANDIS	R
MABELEBELE	SS
MADIBA	TJ
MARAIS	SI
MATHE	G
MOGAPI	TA
MOLEFE	SB
NDOU	P
NDOU	NL
NKOKOU	TP
NONKUMBI	IM
NTOELE	NL
PIETERSEN	JL
RADEBE	TT
REDDY	S
SHACKLEFORD	LM
AVANT-SMITH	C

Councillor Raphadu T (ANC) addressed Council and said that they thought that the Speaker would announce the arrival of the new acting Secretary to Council, Mr Madimetsa Molekwa. He further said as the ANC, they would like to put it on record, that they decry flagrant wasteful expenditure of paying three Secretaries to Council. He said that they feel the money could have gone to better use, to serve the residents of the City of Johannesburg, but be as it may, he said that they can see the Speaker is forcing Mr Molekwa on them. He welcomed Mr Molekwa and concluded that they will take the matter forward.

4 CONFIRMATION OF MINUTES

(6th Ordinary Meeting held on Wednesday/Thursday, 22/23 June 2022)

Page 66, "Councillor Courtriers" to read "Councillor Coutriers".

RESOLVED

That the minutes of the 6th Ordinary Council meeting held on Wednesday/Thursday, 22/23 June 2022, as amended, be taken as read and confirmed.

(7th Extra-Ordinary Meeting held on Wednesday, 10 August 2022 and Monday, 15 August 2022)

Councillor Arnolds (AIC), addressed Council and said that they request for the minutes to be deferred to the next Council meeting. She referred to Page 37, Resolution; "(1) That Council in accordance with its resolution of the meeting of the 25-27 May 2022 note and formally accept the acting appointment of Mr Molekwa who started duties on the 11th July 2022 and ending acting appointment of Mr Gobinca with effect 10th July 2022." and stated that the meeting was chaotic and whatever was resolved, some of the Councillors could not hear what was resolved and asked that the minutes to be deferred to the next meeting.

Councillor Reinten (DA) requested that the adjournment of the 11 August 2022 Council meeting to reflect 01:30 am

Councillor Radebe (EFF) concurred with Councillor Arnolds that the minutes be deferred to next Council meeting. She said that the minutes were not a true reflection of what transpired on the day. She further added that there was no conclusive decision to the appointment of the acting Secretary to Council.

Councillor van der Schyf (ActionSA) referred to page 26 and requested that "MMC Ngobeni" to read "MMC Ngobeni F"

With the consent of Council, the Speaker deferred the minutes to the next Council meeting.

RESOLVED

That the minutes of the 7th Extra-Ordinary Meeting held on Wednesday, 10 August 2022 and Monday, 15 August 2022 be deferred.

5 (a) QUESTIONS FOR ORAL REPLY OF WHICH NOTICE HAS BEEN GIVEN IN TERMS OF RULE 105(1) OF THE STANDING RULES AND ORDERS OF COUNCIL

Councillor Dlanjwa (EFF) asked the MMC for Group Corporate and Shared Services the following question for oral reply in terms of Rule 105 (1) of the Standing Rules and Orders of Council as follows:

"In January 2021, this house passed a motion calling for City of Johannesburg, to conduct a Lifestyle audit of all City of Johannesburg Councillors; Senior Executives; and officials as resolution of Council, and that motion passed. The Lifestyle audit conducted by Council should be based on the framework and parameters of the South African Revenue Services lifestyle audit. The person included in the City's lifestyle are to include all Councillors of the current term of office, all officials from the levels of Directors; to the City Manager; and all Senior Managers of municipal owned Entities. The lifestyle audit is to commence within 60 days as from the date of this resolution being passed by Council and concluded within 6 months from the commencement date.

- *Can the MMC please tell us when is the Lifestyle audit of all City of Johannesburg Councillors; Senior Executives and officials going to be implemented?"*

MMC Knott (DA) responded that it was correct that Council resolved during January 2021, under the previous administration, that lifestyle audit be done on Councillors and senior officials in the city. The matter, however, did not receive any attention within the prescribed time by the previous administration. She said that they were in a process of confirming whether the item was carried over from the previous administration and they would revert to Council.

She further said that in terms of process, they would be guided by Group Legal and Contracts, so that correct legal processes are followed then implementation can proceed. She stated that should all the requirements be met; they would proceed and report back within the Second Quarter of the Financial Year. She concluded that she had no issue with the question and thought that it was a good motion and that it was a pity it did not receive the attention it deserved.

Councillor Dlanjwa (EFF) raised a follow up and said that he was gravely concerned and worried about the answer from the MMC of Group Corporate and Services, who is telling the House that they were still consulting on the matter and said that the question was asked 14 days before Council and the MMC did not answer the question at all. He required clarity from the MMC if the resolution of Council was not important because the Mayoral Committee that the MMC wants to consult with does not have powers over Council. He stated that Council was the highest decision-making body above the Mayoral Committee that the MMC wants to consult and does not understand why the MMC wants to consult. He asked if the MMC intended to rescind Council resolution. He indicated that the resolution was passed in Council and it is required by law that the resolution be implemented and asked the MMC to say when resolution would be implemented?

In her response, MMC Knott (DA), said that she was not sure what other response she could give. The motion was supposed to be carried out within six months from January 2021 and that was not done and unfortunately. She said that she could not speak on why that was not done but she will have a serious look into the issue. She said that they do not have an issue with the question nor the motion. She further said that they would report back to Council with the intention of implementing the item and said that they need to check that it has been carried over to the next term.

Councillor Dlanjwa (EFF) asked the MMC for Economic Development the following question for oral reply in terms of Rule 105 (1) of the Standing Rules and Orders of Council:

- *“Can the MMC please tell us why there is a delay in the implementing of the JPC Betrams Priority Block Project, in ward 64?”*

MMC Mbundu (ActionSA), in his response said that JPC advised him that the properties needed to be rezoned and consolidated. That the Town Planning Department received one objection to the consolidation and rezoning application from the University of Johannesburg Department of Architecture, representing illegal occupants, the delayed processing of the rezoning application caused the delay in the project. He stated that he was grateful to Councillors for bringing this matter to their attention and that they are committed to ensuring that progress is made as soon as possible.

On a follow up question, Councillor Dlanjwa said that MMC Mbundu did not answer his question as to what the delay was and asked when the project would be implemented. Said that the community was worried about being evicted and they do not know whether the city will relocate them to a different area.

MMC Mbundu (ActionSA) responded that the question asked by Councillor Dlanjwa was, “Can the MMC tell us why there is a delay in implementing?”, and said that he had answered the question, as to why there was a delay. He added that if Councillor Dlanjwa had asked when the implementation would be, that would have been responded. He further said that the question of “when”, was not part of the question that was submitted to him.

Councillor Mosehla (EFF) said that the MMC was asked a follow up question, and a follow up question would not be the same as the initial question that was submitted. He said that the MMC must give timelines as to when the implementation would be.

MMC Mbundu (ActionSA) responded that if he knew when he would say so, however, they will make a follow up with JPC and revert to Council to provide the answers.

Councillor Dlanjwa (EFF) asked the MMC for Health and Social Development the following question for oral reply in terms of Rule 105 (1) of the Standing Rules and Orders of Council:

“In 2019 this house passed a motion calling for all of City of Johannesburg (COJ) Clinics to provide free sanitary towels to all indigent’s women and girl child, including women with disabilities, widows, LGBTIQ and the elderly by all COJ clinics:

- *When is the resolution of Council calling for the City of Johannesburg (COJ) Clinics to provide free sanitary towels to all indigent's women and girl child, including women with disabilities, widows, LBTIQ and the elderly by all COJ clinics going to be implemented?"*

MMC Sauls I (PA), in his response said that he noted the confidence with which Councillor Dlanjwa refers to the resolution of 2019 that Council had resolved, or the motion was passed. He indicated that the department made an inquiry and engaged the Speaker's office to find out if such a resolution was passed and were told that there was no record. However, he encouraged Councillor Dlanjwa that if he had different information from what they had received, for the Councillor to approach his office and engage them and provide them with the said resolution.

He added that the Department had not implemented such a programme and that the health facilities are currently not engaged in any mass programme to provide sanitary towels to all indigent women and girl children. He said that the Health Department does provide a once off sanitary towel to patients after an examination where necessary. He further said that the Health Department contends that the responsibility for such sanitary products should be under the purview of Social Development to carry the responsibility for indigent families, since the health mandate is the provision of prevention; promotion and curative health services. He said that he had engaged the Social Development Department and he agrees with Councillor Dlanjwa that the city needed to do more and find ways to do more to deal with this problem.

MMC Sauls I, further added that even though they could not find the resolution, the Health Department had initiated a project or program called #WECAREDIGNITYPACK drive to collect sanitary products to make a difference for women and girls who face period poverty as part of the Department's "we CARE culture". He added that the acronym CARE, for them as the Department means, Call to Act with passion, Respond with compassion and Execute their duties with military precision. He stated that the collection drive for Women's month and Disability Day in December, includes female sanitary products, toothbrushes, toothpaste, lotions, sunscreen as well as aqueous cream. MMC further said that he had confirmation from Dr Keshnee Arthur, the Deputy Director for Health Information Systems, that selected women and girls would be given six months supply. The implementation must be for over a six months period so that there is some form of continuity of care.

He mentioned that all distributions would be transparent and that the collection drive would allow each shop; district or region to draw up a list of vulnerable women living in an area located on the City's database. This would be based on Ward information databases; packages would be delivered by Ward based outreach teams; the collection bins are sponsored by Pikitup and have been placed already at the offices of the Group Heads; Executive Directors; offices of the Regional Health Deputy Directors in each sub-districts; Department of Health on the fourth floor and offices of all COJ entities.

MMC Sauls I, concluded that in addition to the staff donations, the Department will also buy additional stock, as well as approach corporate organizations for donations, and encouraged Councillor Dlanjwa to take part in the #WECAREDIGNITYPACK project because he cannot but they can!

On a follow up question, Councillor Dlanjwa said that yet again, he was worried that the motion that was passed in Council had fallen out. He mentioned that the motion was passed and that it was seconded by the ANC, they will look for it and submit it to Council and that it worried him that there were Council records missing. He further asked MMC Sauls I what is the criteria that would be used in terms of allocation?

MMC Sauls I responded that it would be the most vulnerable within the city, just as Councillor Dlanjwa's question spoke of a specific segment of people, they too have the same understanding.

Councillor Mmbengwa (ANC) asked the MMC for Health and Social Development the following question for oral response:

"The MMC recently indicated that Johannesburg's health facilities are burdened by undocumented immigrants following his surprise visit to Rahima Moosa hospital on the 1st of April 2022.

- 1. How many undocumented immigrants receive medical treatment in the City's clinics around areas such as Region F, Diepsloot, Zandspruit and Orange Farm?*
- 2. Is there a plan to ease the burden already experienced by the City's health facilities?*
 - 2.1 If yes, how will it be implemented?*
 - 2.2 If no, why not?"*

MMC Sauls I (PA), in his response said that there seem to be an addition to the initially asked question, however, he would attempt to transparently answer the second part of the question. He said that the first part of the question, Councillor Mbengwa asked "If the MMC remembers his visit to Rahima Moosa hospital?" and said that he remembers it very well and that the visit went viral.

He further said he was unable to respond on the number of how many immigrants receive medical treatment because at present, personal patient level profile data such as migration status, race etc. are not captured into the health information database and they are therefore unable to give that figure. However, as a department, they are currently building a brand-new e-Health system that would make provision for the collection of the current data Councillor Mbengwa is referring to and that the project would be rolled out at the start of 2023.

He concluded that as the MMC of Health, he shared the sentiments of the MEC of Health in Limpopo, Dr Phophi Ramathuba, and the actions taken by her, because there is a need to put South Africans first; and when a choice has to be made when it comes to primary health care services, they ensure that they do not deprive others on the level of humanity but also show patriotism by ensuring that they put the residents of the city, especially South Africans first. He said that they were engaging on how to do this, and that he could not give specifics, but they are also dealing with the migration policy which will articulate specifically things such as this. He assured Councillor Mbengwa that they are committed to the cause.

Councillor Mbengwa (ANC) in his follow up question said that he wanted to expand his question further, as to whether those international people were paying for the services rendered to them, and if they were not paying, what measures would the Department put in place to ensure that it is not Eliza's fair kind of a situation.

MMC Sauls I, responded and said the issue of immigrants was a touchy subject and they must just be clear when they talk of the issues. He added that it was not hatred towards anybody, there must be a difference between being xenophobic and being patriotic and that what they are referring to is not immigration. He further said that everyone was welcomed in the country and the issue was about the illegal immigration, which was affecting and putting pressure on the health system at the expense of South African citizens. He added that they cannot deny anyone medical services. He stated that the documented or undocumented immigrants were not turned away when they visited the clinics and that they receive free services just like South Africans.

Councillor D Potter (DA) asked MMC Public Safety a question for oral reply in terms of Section 107 (1) of Standing Rules of Council:

"My office has written to the Office of the MMC numerous times over the last few months regarding the lack of officers deployed to Region B. No satisfactory answer has been received. We believe that during a day shift there are only between 6-10 JMPD officers available to serve 12 wards. Region B is dismally under resourced. It would seem most of the officers needed in Region B have been redeployed to the Inner City.

- Does JMPD have any intention of increasing the resources allocated to Region B, so that the Region can have more than 6-10 officers available per day shift?"*

MMC Tembe (ActionSA), in his response said that it was true there was shortage of officers in the Regions, but the real cause of the shortage was that the 1500 officers that were recruited did not have the Infrastructure number and tools of trade. He thanked the MEC for Transport and Road Infrastructure, Jacob Mamabolo, who made sure that the recruits receive their Infrastructure number so they can write citations. He further said that the officers now have bulletproof vests; Infrastructure numbers; and most of them got their tools of trade and added that they had already deployed them out to communities and prioritized high risk areas. He mentioned that in Region E, about 66 officers were deployed totaling the officers to 170 officers in the area. He added that they would be deploying differently in the coming weeks whereby 600 officers that are in the inner City would go back to the Regions with full infrastructure and tools of trade and not just to be visible.

Councillor Potter (DA) thanked MMC Tembe and said that it was encouraging to know that the Regions would be capacitated and that the high-risk areas in Region B which are the Rosebank and Randburg CBD and the other high-risk areas. He asked if JMPD currently had enough vehicles in their fleet, and if there was capacity to acquire more vehicles on the current fleet tenders that are known to be problematic?

MMC Tembe (ActionSA) responded and said that he had a meeting with businesspeople in Rosebank and had identified issues that are being raised. He stated that Executive Mayor had met with them as well about two weeks ago. He further said that MMC Knott was running with the process of getting additional vehicles, and the vehicles that are there now can still be utilized as long as the officers do not take the vehicle home with them at the end of their shift

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

The Executive Mayor indicated that answers to questions (Question Paper 003-2022) were uploaded on the Google Drive link.

The Chair of Chairs tabled written responses from the Legislature.

(c) EXECUTIVE MAYOR'S QUESTION TIME OF WHICH NOTICE HAS BEEN GIVEN IN TERMS OF RULE 112 OF THE STANDING RULES AND ORDERS OF COUNCIL

Councillor Arnolds M (AIC), in her address said she was speaking on behalf of the minority opposition parties (AIC, Aljama-ah, GOOD, PAC, ATM, APC, AHC, UDM), and asked the Executive Mayor when would a report would be presented to Council that will inform Council on the legal expenditures for the 130 employees that were dismissed; Secretary to Council; and the previous Head of GFIS. She stated that the report should indicate the total amount for everything and that the report should be tabled because Councillors and the Public needs to know, as these are the public funds that were used.

The Executive Mayor, in her response said they were happy to provide Council with said information, and that the said report would be tabled in the next Council meeting.

6 RECOMMENDATIONS TO COUNCIL

The Executive Mayor tabled the reports from the Executive Chair of Chairs tabled the reports from the Legislature

Item 1 REQUEST TO INITIATE A PUBLIC PARTICIPATION
PROCESS FOR THE CITY OF JOHANNESBURG
MUNICIPAL PLANNING BY-LAW, 2016 REVIEW

RESOLVED

- 1 That, in terms of section 7 of the Rationalization of Local Government Affairs Act, 10 of 1998 and the Spatial Planning Land Use Management Act, 2013 (Act No. 16 of 2013), City of Johannesburg declares its intention to review the Municipal Planning By-law, 2016 as reflected in Annexure A to this report.
- 2 That the Draft Municipal Planning Bylaw, 2016 Review document, as attached in Annexure A to this report, be published for public comments for a minimum period of 60 days.

- 3 That the Office of the Speaker publishes such a notice of intention to review the Municipal Planning By-Law, 2016 in the Provincial Gazette and the Sowetan, Beeld, Star and Citizens newspapers and ensure that such notice complies with the provisions of section 7(2) of the Rationalisation of Local Government Affairs Act, 10 of 1998, and sections 21(4), 21A(1)(c) and (2) of the Local Government: Municipal Systems Act, 32 of 2000 and the Spatial Planning Land Use Management Act, 2013 (Act No. 16 of 2013).

(DEVELOPMENT PLANNING)

(Ziningi Mkhize)

(Tel. (011) 407-6156/ 081 555 1986)

- Item 2 ACCEPTANCE OF THE HIV/AIDS CONDITIONAL GRANT FROM THE GAUTENG DEPARTMENT OF HEALTH TO IMPLEMENT THE HIV AND AIDS DOOR-TO-DOOR HIV EDUCATION PROGRAMME AND AIDS COUNCIL COORDINATION FOR THE 2022/23 FINANCIAL

NOTED

(HEALTH)

(Manager: HAS)

(Ike Kekae)

(Tel. (011) 407-7034)

- Item 3 EGOLI GAS TARIFFS - FOR AUGUST 2022- JULY 2023

NOTED

(ENVIRONMENT, INFRASTRUCTURE AND SERVICES)

(Thabo Mahlatsi)

(Tel. (011) 082-7960)

- Item 4 TABLING OF DRAFT PERFORMANCE AGREEMENTS OF SECTION 57 MANAGERS (CITY MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE CITY MANAGER) FOR THE FINANCIAL YEAR 2022/23

NOTED

(OFFICE OF THE CITY MANAGER)

Item 5 EXISTENCE OF HEALTH DISTRICT
COUNCIL FOR COJ HEALTH DEPARTMENT

RESOLVED

- 1 That the existence of the Johannesburg District Health Council (DHC).
- 2 That the approved members of the Johannesburg District Health Council.

(HEALTH)
(AD: District Health Systems Development)
(Dorothy Diale)
(Tel. (011) 407-6548)

Item 6 APPROVAL OF THE FRANKENWALD
URBAN DEVELOPMENT FRAMEWORK

RESOLVED

That the Frankenwald Urban Development Framework be approved.

(DEVELOPMENT PLANNING)
(L Strydom)
(Tel. (011) 407-6870)

EFF requested a division of the House.

The Speaker posed a question to the House and the results were as follows:

FOR: 134
NO: 129
ABSTAIN:0

Therefore, the report was carried.

ANC - Dissent
EFF - Dissent
AIC - Dissent
APC - Dissent
PAC - Dissent
GOOD - Dissent
AHC - Dissent
ALJAMA-AH - Dissent

Item 7 FINANCIAL REPORT FOR THE PERIOD
ENDED 31 MARCH 2022

NOTED

(GROUP FINANCE)
(Phindile Tshezi)
(Tel. (011) 358 3407)

Item 8 CITY OF JOHANNESBURG MFMA

IN-YEAR FINANCIAL REPORT FOR
THE PERIOD ENDED 30 APRIL 2022

NOTED

(FINANCE)
(Phindile Tshezi)
(Tel. (011) 021-3350)

- Item 9 TABLING OF THE 2023/2024 INTEGRATED
DEVELOPMENT PLAN (IDP), BUDGET,
PERFORMANCE MONITORING AND
REPORTING PROCESS PLAN

RESOLVED

- 1 That the 2023/2024 Integrated Development Plan (IDP) review, Budget, Performance Monitoring and Reporting Process Plan as set out in the body of the report, in compliance with the provisions of the Municipal Systems Act and the Municipal Finance Management Act be approved.
- 2 That the noted 2023/2024 Integrated Development Plan (IDP), Budget, Performance Monitoring and Reporting Process Plan be submitted to Council for approval.
- 3 That the approved 2023/2024 Integrated Development Plan (IDP) review, Budget, Performance Monitoring, Evaluation and Reporting Process Plan be submitted to the Gauteng MEC of CoGTA and National and Provincial Treasuries for monitoring purposes as required by section 31 of the MSA.

(OFFICE OF THE CITY MANAGER)

- Item 10 WRITEOFF FOR DISPUTED DEBT TO
2022/2023 RATES FOR PROPERTIES
PREVIOUSLY CATEGORIZED AS
"EDUCATION"

NOTED

(OFFICE OF THE CITY MANAGER)

- Item 11 REQUEST FOR COUNCIL TO APPROVE
THE PROPOSED AMENDMENTS TO THE
CREDIT CONTROL AND DEBT COLLECTION
POLICY FOR THE 2022/2023 FINANCIAL YEAR

RESOLVED

That Council approves the amended Credit Control and Debt Collection Policy for the 2022/2023 financial year.

(GROUP FINANCE)
(Selby Rasoeso)

EFF Dissent
ANC Dissent
GOOD Dissent
AIC Dissent
PAC Dissent
AHC Dissent
Aljama-ah Dissent
APC Dissent

- Item 12 MOTIVATION FOR COUNCIL TO CERTIFY
AS IRRECOVERABLE AND WRITE OFF
UNAUTHORISED, IRREGULAR OR
FRUITLESS AND WASTEFUL EXPENDITURE –
AUGUST 2022 (PART 1)

RESOLVED

- 1 That Council certifies as irrecoverable and writes off irregular expenditure by Joburg City Theatres amounting to R533 274.18 incurred during the 2018/19 financial year.
- 2 That Council certifies as irrecoverable and writes off irregular expenditure by City Power amounting to R304 387 757.65 incurred during the 2014/15 and 2019/20 financial years.
- 3 That Council certifies as irrecoverable and writes off irregular expenditure by Joburg City Parks and Zoo amounting to R8 664 059.91 incurred during the 2019/20 financial years.
- 4 That Council certifies as irrecoverable and writes off fruitless and wasteful expenditure by Joburg City Parks and Zoo amounting to R25 945,14 for the 2019/20 financial year.

- 5 That Accounting Officer submits this report to National Treasury, together with the minutes of the meeting of Council that reflect the Council resolution for this report, within seven working days of its adoption. Group Finance must submit a report with evidence attesting to this submission to the Municipal Public Accounts Committee.

(COJ LEGISLATURE)
 (Mr. Thinga Mabogo)
 (Tel. 083 702 8292)

EFF Dissent

- Item 13 MOTIVATION THAT COUNCIL CERTIFY
 AS IRRECOVERABLE AND WRITE OFF
 IRREGULAR AND FRUITLESS EXPENDITURE –
 AUGUST 2022 (PART 2)

RESOLVED

- 1 That Council certifies as irrecoverable and writes off fruitless and wasteful expenditure by JOSHCO amounting to R4 570.15 incurred during the 2017/18 financial year.
- 2 That Council certifies as irrecoverable and writes off fruitless and wasteful expenditure by Metrobus amounting to R316 958 for the 2016/17 financial year and the 2017/18 financial year, respectively.
- 3 That Council certifies as irrecoverable and writes off fruitless and wasteful expenditure by the City of Johannesburg Metropolitan Municipality amounting to R 8 440.00 for the 2013/14 financial year.
- 4 That Council certifies as irrecoverable and writes off a total of R 212 894 201.37 in irregular expenditure by the City of Johannesburg Metropolitan Municipality 2016/17 financial and the 2018/19 financial year, respectively.
- 5 That Accounting Officer submits this report to National Treasury, together with the minutes of the meeting of Council that reflect the Council resolution for this report, within seven working days of its adoption. Group Finance must submit a report with evidence attesting to this submission to the Municipal Public Accounts Committee.

(COJ LEGISLATURE)
 (Mr. Mabogo Thinga)
 (Tel. 083 702 8292)

EFF Dissent

- Item 14 MOTIVATION THAT COUNCIL RECOVER OR CERTIFY AS IRRECOVERABLE AND WRITE OFF IRREGULAR OR FRUITLESS AND WASTEFUL EXPENDITURE – AUGUST 2022 (PART 3)

RESOLVED

- 1 That Council certifies as irrecoverable and writes off R1,282,537,480.48 in irregular expenditure by City Power for the 2018/19 to 2020/21 financial years.
- 2 That Council certifies as irrecoverable and writes off R3,281,959.78 in irregular expenditure by Johannesburg City Theatres for the 2020/21 financial year.
- 3 That Council certifies as irrecoverable and writes off R48,004.00 in irregular expenditure by Pikitup for the 2016/17 financial year.
- 4 That Council certifies as irrecoverable and writes off R8,344.00 in fruitless and wasteful expenditure by Johannesburg City Parks and Zoo for the 2019/20 to 2020/21 financial years.
- 5 That the Accounting Officer recover R22,601.60 in fruitless and wasteful expenditure by Johannesburg City Parks and Zoo for the 2018/19 financial year from employee who caused expenditure.
- 6 That the Accounting Officer submits this report to National Treasury, together with the minutes of the meeting of Council that reflect the Council resolution for this report, within seven working days of its adoption. Group Finance must submit a report with evidence attesting to this submission to the Municipal Public Accounts Committee.

(COJ LEGISLATURE)
 (Mr. Mabogo Thinga)
 (Tel. (083) 702-8292)

EFF Dissent

- Item 15 OVERSIGHT VISIT REPORT OF THE SECTION 79 GOVERNANCE COMMITTEE TO MEADOWLANDS MUNICIPAL COURT 25 MAY 2022

RESOLVED

- 1 That Council adopt the oversight visit report, noting the concerns cited in the body of the report.
- 2 That Group Legal and Contracts department provide the budget for the operation of the prosecutor's office and the procurement of office equipment.
- 4 That joint meetings be held between the Section 79 Oversight Committee on Governance, Health and Social Development, and Public Safety to address issues raised by By-Law Enforcement Officers (JMPD and Environmental Health).

- 4 That Group Legal and Contracts provide a detailed report with names of By-Law Enforcement Officers that commit a lot of errors when issuing summons to the committee on a quarterly basis.
- 5 That joint oversight visits between the Section 79 Oversight Committee on Governance, Health and Social Development and Public Safety be conducted in the Financial Year 2022/23.

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

Item 16 S79 PETITIONS STANDING COMMITTEE
 OVERSIGHT VISIT TO HELEN JOSEPH
 WOMEN'S HOSTEL IN ALEXANDRA
 (WARD 107) – 02 JUNE 2022

RESOLVED

- 1 That Council approves this oversight visit report noting the observations cited.
- 2 That Housing Department provides the full list of the contractors that were appointed to do work at Helen Joseph, with detail of what they were specifically appointed to do, progress of work done, as well as how much has been paid to them, by July 2022.

(COJ LEGISLATURE)
 (E Monhla)
 (Tel. (011) 407-7246)

Item 17 OVERSIGHT VISIT REPORT OF THE
 HSD SECTION 79 COMMITTEE TO
 PROTEA SOUTH CLINIC IN REGION D ON
 19 MAY 2022

RESOLVED

- 1 That Council approve the oversight visit report noting the observations cited in the body of the report.
- 2 That the Section 79 HSD Committee request the Department of Health to submit the Geotech Reports that were done on all the clinics built at Protea South and submit by end of the financial year 2021/2022.
- 3 That the Health Department inform the Section 79 HSD Committee about the plans to evict the occupants that were found at the 1st Protea South Clinic by end of the financial year 2021/2022.

- 4 That the Health Department assess the chances of utilizing the 2nd Protea South Clinic for a programme that will benefit the community and about the plans to demolish the building should the site is declared unfit for use by the end of the financial year 2021/2022

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

- Item 18 OVERSIGHT VISIT REPORT OF THE
 HSD SECTION 79 COMMITTEE TO
 ZANDSPRUIT CLINIC IN REGION-E 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 Section 79 Health and Social Development committee invite the Housing Department through the Health Department to explain to the committee members on what has been done to manage the relocation of illegal occupants at Zandspruit earmarked land for the new clinic by end of the financial year 2021/2022.

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

- Item 19 OVERSIGHT VISIT REPORT OF THE HSD SECTION 79
 COMMITTEE ON DIEPSLOOT FARM (FOOD EMPOWERMENT
 ZONE) AND AGRI-RESOURCE CENTRE ON 17 MAY 2022

RESOLVED

That Council Committee approve the oversight visit report noting the observations cited in the body of the report.

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

Item 20 OVERSIGHT VISIT REPORT OF THE SECTION 79
FINANCE COMMITTEE TO THUSO HOUSE REVENUE
CENTRE ON THE 8TH JUNE 2022

RESOLVED

- 1 That Council approve the oversight visit report noting the observations cited in the body of the report.
- 2 That the Group Finance Department respond to each comment received from customers and provide a way forward. The report is to be submitted to the Section 79 Finance Committee by September 2022.
- 3 That the Group Finance Department resolve to fix the lighting at the entrance of the reception at the Thuso House Revenue Centre and provide feedback to the Section 79 Finance Committee by September 2022.
- 4 That the Group Finance Department provide a report to the Committee explaining why the various channels of communication (call centre, email and local walk-in) are unable to assist customers satisfactorily as per the statistics reported. The data also indicate that customers suggest Thuso House is the only way for their query to be resolved. The Group Finance Department must indicate whether the services offered at Thuso House are unique in comparison to every other revenue centre and other communication channels. The report is to be submitted to the Section 79 Finance Committee by September 2022.

(COJ LEGISLATURE)
(A Bhaga)
(Tel. (011) 407-7163)

Item 21 OVERSIGHT VISIT OF SECTION 79
PUBLIC SAFETY COMMITTEE TO THE
JMPD ACADEMY ON 23 MAY 2022

RESOLVED

- 1 That Council approve the oversight visit report noting the findings referred to in the body of the report.
- 2 That the Department ensure that all funded vacancies at the JMPD Academy are filled within six months following the approval of the oversight report by Council.
- 3 That the Department develop a retention strategy, within six months following the approval of the oversight report by Council, specifically relating to the training inspectors / educators at the Academy to prevent the perennial loss of trainers.
- 4 That the Department initiate a process, within 30 days following approval of the oversight report by Council, for the procurement of animal feed at the Academy.

(COJ LEGISLATURE)
(Tandisizwe Sidubulekana)

- Item 22 OVERSIGHT VISIT OF SECTION 79
PUBLIC SAFETY COMMITTEE TO THE
PROTEA GLEN FIRE STATION
23 MAY 2022

RESOLVED

- 1 That Council approve the oversight visit report noting the findings referred to in the body of the report.
- 2 That the Department prioritise the maintenance of the facility and ensure that the infrastructure challenges and vehicle needs identified in the findings are attended to within the 2022 / 2023 financial year.
- 3 That the Department ensure that all firefighters have the necessary protective clothing and equipment within a period of six months following the approval of this oversight report by Council.

(COJ LEGISLATURE)
(Tandisizwe Sidubulekana)

- Item 23 OVERSIGHT VISIT OF THE SECTION 79
PUBLIC SAFETY COMMITTEE TO THE
INTEGRATED INTELLIGENCE OPERATIONS
CENTRE ON 9 JUNE 2022

RESOLVED

- 1 That Council approve the oversight visit report noting the findings referred in the body of the report.
- 2 That the Department fill up all funded management vacancies at the IIOC within six months following the approval of report by Council.
- 3 That the Department resolve the issue of repairs and maintenance of the City's camera infrastructure within six months following the approval of the report by Council.

(COJ LEGISLATURE)
(Tandisizwe Sidubulekana)

- Item 24 OVERSIGHT VISIT OF THE SECTION 79
PUBLIC SAFETY COMMITTEE TO THE
LANGLAAGTE LICENSING CENTRE ON
20 JUNE 2022

RESOLVED

- 1 That Council approve the oversight visit report noting the findings referred to in the body of the report.

- 2 That the Department consider providing staff at the licensing centre with uniforms to distinguish them from members of the public visiting the centre. Uniform for staff members within six months after the report has been approved by Council.
- 3 That the Department engage with relevant stakeholders within the City on the modernization project to ensure that the Langlaagte Licensing centre is modernized within the 2022 / 2023 financial year.
- 4 That the Department ensure that all cameras at the Langlaagte Licensing centre are fully operational within a period of six months following the approval of this oversight report by Council.

(COJ LEGISLATURE)
(Tandisizwe Sidubulekana)

Item 25 OVERSIGHT VISIT OF THE SECTION 79
PUBLIC SAFETY COMMITTEE TO THE
MARLBORO LICENSE CENTRE ON
20 JUNE 2022

RESOLVED

- 1 That Council approve the oversight visit report noting the findings referred to in the body of the report.
- 2 That the Department ensure that all the funded vacancies at the Marlboro licensing centre are filled within six months following the approval of this oversight report by Council.
- 3 That the Department ensure that the water pump at the Marlboro licensing centre is either repaired or replaced within the period of 30 days following the approval of this oversight report by Council.
- 4 That the Department ensure that a proper electronic filing system is procured for all licensing centres across the City.

(COJ LEGISLATURE)
(Tandisizwe Sidubulekana)

Item 26 JOINT OVERSIGHT VISIT OF THE SECTION 79
PUBLIC SAFETY AND CORPORATE AND
SHARED SERVICES COMMITTEES TO THE
MARCE PROJECTS ON 18 MAY 2022

WITHDRAWN

(COJ LEGISLATURE)
(Tandisizwe Sidubulekana)

- Item 27 OVERSIGHT VISIT OF THE SECTION 79
COMMUNITY DEVELOPMENT COMMITTEE
TO KEITH FLEMMING PARK, PARKHURST SOCCER/
BOWLING CLUB, MELPARK SPORT COMPLEX & BRIXTON
RECREATION CENTRE ON 12 JULY 2022.

RESOLVED

- 1 That Council approve the oversight visit report noting the observations cited in the body of the report.
- 2 That the Johannesburg City Parks and Zoo address challenges of homeless people and waste pickers currently living in Keith Flemming Park as highlighted in the body of this report. Progress report to be submitted to the committee, by October 2022.
- 3 That the Johannesburg City Parks and Zoo share the revised open space bylaws with the committee by October 2022.
- 4 That the Department of Community Development provide a comprehensive report regarding Parkhurst Soccer and Bowling Club as highlighted in the body of this report. The report to be submitted to the committee, by October 2022.
- 5 That the Department of Community Development provide a presentation and report to the committee regarding the status of Melpark Sport Complex. The agreements or MOU between the department and LFA must be attached to the report. The report to be submitted to the committee, by October 2022.
- 6 That the Department of Community Development submit a comprehensive report detailing the reasons for initiating a transfer of Brixton Recreation Centre to JPC, by October 2022.

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

- Item 28 GEYODI COMMITTEE OVERSIGHT VISIT REPORT
TO THE METRO CENTRE BUILDING TO CHECK THE
UNIVERSAL ACCESS OF PEOPLE WITH DISABILITIES
ON 7 JUNE 2022

RESOLVED

- 1 That Council approve the oversight visit report noting observations cited in the body of the report.
- 2 That JPC to prioritize the fixing of the electric ramp on the ground floor and report on the progress to the Committee in the Committee meeting of October 2022.
- 3 That the Metro Centre facility manager report to the Committee in October 2022 indicating plans to deal with free access of mobility impaired people from C Level parking to the building.

- 4 That JMPD department must prioritize sign language training of the security personnel that are deployed at all access points of the Metro Centre and report on the progress to the Committee by October 2022.
- 5 That JPC put markings for exit of the people on wheelchairs to the assembly point in case of emergency.
- 6 That JPC put assembly point sign outside where employees must assemble in case of emergency and report to the Committee by October 2022.

(COJ LEGISLATURE)
(Ms K Mtunzi)
(Tel. (011) 407-6662)

Item 29 GEYODI COMMITTEE OVERSIGHT VISIT
REPORT TO THE METRO LINK BUILDING
ON 7 JUNE 2022

RESOLVED

- 1 That Council approve the oversight visit report noting observations cited in the body of the report.
- 2 That the Department of Development Planning explore the possibility of employing the youth and people with disabilities to deal with the building plan filling crisis and report to the Committee in October 2022.
- 3 That the manager responsible for the Metro Link building present a full report on the status of the building and what plans are in place to correct the current situation to the Committee by October 2022.
- 4 That JMPD department to prioritize sign language training of the security personnel that are deployed at the reception area of the Metro Link building and report on the progress to the Committee by October 2022.
- 5 That the Department of Development Planning explore the possibilities of utilizing the building as a Disability Desk for the City to ensure full utilization of the resources to the advantage of those who needs them the most. The Department to give feedback to the Committee by October 2022.

(COJ LEGISLATURE)
(Ms K Mtunzi)
(Tel. (011) 407-6662)

Item 30 GEYODI COMMITTEE OVERSIGHT
VISIT REPORT TO 2 KOTZE STREET
SHELTER IN HILBROW ON 7 JUNE 2022

RESOLVED

- 1 That Council note and approve the oversight visit report noting observations cited in the body of the report.
- 2 That the Department of Social Development explore the possibility of accommodating people with disabilities on the ground floor and report to the Committee by October 2022
- 3 That the security personnel on night shift be increased to more than 1, as at present to ensure the safety of the occupants and report the progress to the Committee by October 2022
- 4 That First Aid training be prioritized to all the personnel working at the shelter and report on the progress to the Committee by October 2022.

(COJ LEGISLATURE)
(Ms K Mtunzi)
(Tel. (011) 407-6662)

Item 31 PUBLIC PARTICIPATION FOR
COMMUNITY BASED PLANNING
SEPTEMBER TO NOVEMBER 2022

NOTED

(COJ LEGISLATURE)
(Yusuf Lachporia)

Item 32 CHANGES IN MEMBERSHIP OF THE
VARIOUS SECTION 79 COMMITTEES

Whip of Council rose and made additional changes to the report, as follows:

Development Planning Committee:

Councillors A Kiviet & T Mabunda are full time members.

Programming Committee Alternate:

Councillor I Reinten – Out

Councillor W Alexander – In

Rules:

Councillor S Majola – Out

Councillor L Davids-Green – In?

RESOLVED

That Council approve the changes in membership of the various Section 79 Committees, as reflected in the body of the report.

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

Item 33 APPOINTMENT UPDATE AND ACTING
ARRANGEMENTS FOR SENIOR
MANAGERS (SECTION 54 & 56)

RESOLVED

- 1 That Council approves the request 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
1.1.	Hennie Labuschagne	GED: GCSS	01-Sep-22

- 2 That Council approves the request to further extend the Acting Appointment of Mr Zayd Ebrahim as GH: GSPCR for a period up until his contract of employment with the City is signed as per the resolution of Council to appoint him as the GH: GSPCR for a fixed-term period of five (5) years.

- 3 That Council note the decision of the Acting City Manager for the Acting Appointment of the following official for a period not exceeding three (3) months:

No.	Name & Surname	Acting Capacity	Acting Start Date
3.1	Tebogo Modiba	HOD: Public Safety	01-Sep-22

- 4 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.
- 5 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.

(OFFICE OF THE CITY MANAGER)

- Item 34 OUTCOME OF THE RECRUITMENT AND SELECTION PROCESS AND REQUEST TO RE-ADVERTISE THE POSITION OF THE EXECUTIVE DIRECTOR: HEALTH

RESOLVED

- 1 That Council notes the outcome of the recruitment and selection processes in respect of the Executive Director: Health position.
- 2 That Council approves the re-advertisement of the position of Executive Director: Health.
- 3 That Council approves the interview panel that will consist of:
 - (1) Chairperson: City Manager.
 - (2) Member of the Mayoral Committee: Group Corporate and Shared Services.
 - (3) Member of the Mayor Committee: Health and Social Services Department.
 - (4) One additional Councillor as designated by the Executive Mayor.
 - (5) External Expert as designated by the City Manager.

(OFFICE OF THE CITY MANAGER)

- Item 35 RETURN ON IMPLEMENTATION OF DECISIONS OF COUNCIL FOR THE PERIOD DECEMBER 2021 TO MAY 2022

RESOLVED

That the item be noted at Council and forwarded to Section 79 Committees for oversight purposes in terms of Standing Rule 39 (1).

(OFFICE OF THE CITY MANAGER)

- Item 36 RECRUITMENT PROCESS AND APPOINTMENT OF THE GROUP HEAD: GROUP STRATEGY, POLICY COORDINATION & RELATIONS

RESOLVED

- 1 That the content of this report and Annexures be noted.
- 2 That Mr. Zayd Ebrahim be appointed as the Group Head : Group Strategy, Policy Coordination & Relations in the City of Johannesburg, for a fixed term period of five (5) years with effect from 1 September 2022 or as soon as possible thereafter.

- 3 That the Acting City Manager or his nominee be authorised to negotiate and finalise the terms and conditions of the fixed term employment contract, remuneration, performance contract and security clearance requirements with Mr. Zayd Ebrahim.
- 4 The appointment of the candidate is subject to the candidate:
- (1) Being in possession of or obtaining the prescribed security clearance.
 - (2) Being in possession of or obtaining within a period of eighteen (18) months, the relevant unit standards prescribed in Regulation 15 and 18 of the Regulations on the Minimum Competency Levels, 2007 as gazetted on 15 June 2007.
 - (3) Entering into a contract of employment and a performance management contract with the City Manager.

(GROUP CORPORATE AND SHARED SERVICES)
 (Acting Group Executive Director: Group Corporate and Shared Services)
 (Dr Hennie Labuschagne)

Item 37 UPDATE ON THE REVIEW OF THE RECRUITMENT
 AND APPOINTMENT OF THE SECRETARY TO COUNCIL

The item was dealt with In-Committee

NOTED

(OFFICE OF THE CITY MANAGER)

Item 38 INVESTIGATION INTO ALLEGED NON-COMPLIANCE
 AND/OR MISCONDUCT BY HOD PUBLIC SAFETY IN
 THE PROCUREMENT OF HANDHELD DEVICES AND
 CCTV CAMERAS IN THE PUBLIC SAFETY DEPARTMENT

The item was dealt with In-Committee

RESOLVED

- 1 Advise Council of the outcome of the investigation.
- 2 Request authority in line with the recommendations of the report to institute corrective action against the Head of Department Public Safety Msimang for signing the SLA beyond his Delegations of Authority.
- 3 The matter also be referred to the Financial Misconduct Board for further investigation.

(OFFICE OF THE CITY MANAGER)

- Item 39 REQUEST FOR EXTENSION ON INVESTIGATION INTO ACTS OF MISCONDUCT BY THE GROUP HEAD LEGAL AND CONTRACTS

The item was dealt with In-Committee.

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 a further 60 days.

(OFFICE OF THE CITY MANAGER)

7 MOTIONS

Proposer: Councillor Homer (DA)

Seconder: Councillor Nakita Dellwaria

Councillor C Homer (DA) tabled the motion as follows:

I, Councillor Chloe Homer (DA), propose the following motion in terms of Rule 89(2) of the Standing Rules and Orders of Council:

Noting that:

- A. The stereotype of women as primary caregivers is still very much a lens that we like to see women through. There's also a trope that gets rolled out about career women, that if a woman doesn't have children, she's sacrificed motherhood for her career. Having recently acknowledged World Breastfeeding Awareness Week, we owe it the working mothers around us to make this a Safe Space.
- B. In the year 2022 we cannot shy away from important discussions around empowering women in the workplace, a career woman can in fact be a mother as well and be equally successful at both, while motherhood in the political space can be an obstacle to continuously navigate treacherously through.
- C. Women must be at the forefront of change in how we engage with our workplace as working mothers based solely on the implementation of feeding rooms that in turn create safe spaces for career mothers. Women would be a beacon of strength and powerful enough to break the glass ceiling with a conducive work environment alleviating the stress and anxiety of not being home with family but bringing the family to work in meaningful ways.
- D. In psychology we understand that bonding is an important human instinct that gives babies a sense of security and self-esteem. Bonding also helps parents feel connected to their newest family member.
- E. We must create these safe spaces for a mother to bond with her child while still contributing to the business of council in the City of Johannesburg.

BELIEVING THAT:

- A. A safe space for mothers and women to still engage in the work of council is a necessity.
- B. A room should be/allow for, religious freedom, breastfeeding and soothing friendly.
- C. This room should have all the council capabilities (plug points, desk to work on, personal access card/ fingerprint access, ability to request water, raise points of order, fully integrated system which allows for voting to be cast, speeches to be made, aircon).
- D. Space to change the baby and feed as well as space for prams creates a conducive space to being a career woman.
- E. A hybrid council system within the council precinct which allows for mothers to fully participate in council while being present with their baby continues to promote a healthy mother and child relationship

IT IS THEREFORE RECOMMENDED TO THIS COUNCIL TO:

- A. Carry out a feasibility study within 90 days and report back to council with the aim of including implementation within the next budget cycle.

The Speaker asked if the motion was supported.

MOTION PUT AND CARRIED

Proposer: Councillor N Pietersen

Seconder: Councillor Carlos da Rocha

Councillor Pietersen (DA) tabled the motion as follows:

I, Councillor Neuren Pietersen (DA), propose the following motion in terms of Rule 89(2) of the Standing Rules and Orders of Council:

Noting that:

Johannesburg has been laid to waste by the extra ordinary levels of littering and illegal dumping. The official landfill sites are reaching their capacity and it looks like we will have to start using new sites in the immediate future. In the past we were surrounded by mine dumps, now we are surrounded by waste dumps.

Each one of us can bring to mind a street corner on which a black refuse or shopping bag, filled with domestic waste, has been ripped apart by a dog looking for their next meal. Once litter accumulates it invites more litter. The human condition somehow causes us to believe that littering is socially acceptable in a street or park that is already dirty. Studies have shown that the reverse is also true - the cleaner the street or park is, the less likely people are to litter.

The more street sweepers or cleaning shifts the council employs, the worse the problem gets. Why is this? Studies suggest that it is human nature. When a majority of people believe that others will clean up after them, their sense of responsibility for the environment fades. Someone else will clean up after me.

The city has increased the shifts in the city from two to three and the problem appears to have gotten worse. We are part of the problem. The city is giving credence to the commonly held belief that litter creates jobs. It does the opposite. For every street sweeper job we "create", several jobs in business, tourism, education, parks and maintenance are lost.

We need to get the public on our side. For the sake of living in a clean environment, for the sake of a sustainable waste policy, for the sake of our economy and for the sake of our own self esteem.

Believing that:

- (a) A cleaner city will encourage tourism and business opportunities.
- (b) A cleaner city will increase investment in properties.
- (c) A cleaner city will result in more jobs in the tourism and business sector.
- (d) We need to get the public on our side, to become our partners in the fight against littering and illegal dumping.
- (e) An increase of penalties will not fix the problem.
- (f) We need to get into the hearts and minds of our citizens awakening a sense of Responsibility to keep our city clean.

It is therefore recommended to this Council to urgently: -

Focus the current marketing campaign on:

- Dissuading residents from littering and
- Encouraging them to recycle.
- How different waste must be disposed of appropriately
- How waste must not be disposed e.g. in Parks, City Power property, Storm water drains etc.

This media campaign must run on all available for a, including television, radio, social media, print media and billboards.

Proposer: Councillor S Dlanjwa

Secunder:

Councillor Dlanjwa tabled the amended motion as follows:

I, Councillor Dlanjwa of the EFF, hereby propose that the recommendation is of this motion be amended by adding recommendation 5 & 6:

- The City of Johannesburg to provide awareness and support to residents who are doing recycling, and awareness should take place inside the City's garden sites.
- The City of Johannesburg to provide the recycling space to all residents who are doing recycling, and recycling spaces must be inside the City's garden sites.

MOTION AS AMENDED, PUT AND CARRIED

*Proposer: Councillor Tebogo Nkokou
 Secunder: Aubrey Mhlongo*

The Speaker was asked to recuse himself as the motion was about him and refused to do so and proceeded to preside over the motion.

Councillor Nkokou tabled the motion as follows:

MOTION SUBMITTED IN TERMS OF RULE 94(1) OF THE STANDING RULES AND ORDERS OF THE COUNCIL: VOTE OF NO CONFIDENCE AGAINST THE SPEAKER OF COUNCIL, COUNCILLOR VASCO DA GAMA

Background

A Council meeting was held on the 25 and 27 of May 2022 that resolved that Mr Molekwa be seconded as Acting Secretary to Council in the City of Johannesburg on a month-to-month basis effective from 1 June 2022. Due to delays that were experienced with implementation of this resolution, a council seating held on 22-23 June 2022 resolved that the acting arrangements of Mr Gobinca be extended until 09 September 2022 as Item 70 on the agenda.

On the 15 of July 2022 the Speaker issued official communication via the COJ message platform where he welcomed Mr Molekwa to the City of Johannesburg citing a resolution in May. The communication is quoted as follows:

“On 27 May 2022, the Council in the City of Johannesburg, adopted an item which allowed for the secondment of an Acting Secretary to Council. Speaker of Council, Cllr Vasco da Gama is pleased to announce that Madimetsa Molekwa has joined the Legislative staff in this role...”

Mr Molekwa has been acting in that capacity as Acting Secretary to Council since the communication by the Speaker and has performed official duties assigned to the role despite the Council resolution of June 2022. Mr Gobinca has since returned to his substantive position of Director: Finance following this announcement by the Speaker.

The Speaker overreached administratively when he went ahead with the appointment of Mr Molekwa despite the Council resolution of the 22-23 June 2022.

He also sought to mislead Council at the council meeting held on the 10th and 15th August 2022 by fronting Mr Gobinca as the Acting Secretary to Council when in fact Mr Molekwa had been acting in that capacity from 11 July 2022 when he officially announced the appointment on the COJ message. This was an effort to conceal and rectify his unlawful action.

Believing that

- The Speaker is in breach of his duties and responsibilities as outlined under Rule 18(6) that states that the speaker:

‘Must discharge her/his responsibilities with integrity and in an impartial way’

- The Speaker is also in contempt of Council as indicated in with Rule 149 (3) (c) and 149 (3) (f) which finds a Councillor in contempt of Council by
 - '(c) Giving evidence to Council or any of its Committees knowing it to be false'
 - '(f) a breach of the Rules, including a breach of the Code of Conduct'

The Code of Conduct states that:

A Councillor must –

- (a) perform the functions of the office in good faith, honestly and transparent manner; and
- (b) at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised.

IT IS THEREFORE RECOMMENDED:

- 1 That a motion of no Confidence against the Speaker of Council, Councillor Vasco Da Gama be passed by Council.
- 2 That upon passing of a motion of no confidence against the Speaker of Council, Councillor Vasco da Gama, an election of the Speaker of Council be done in accordance with Section 36 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. The results by a show of hands were as follows:

FOR: 136
NO: 132
ABSTAINMENT: 0

MOTION PUT AND CARRIED

At this point the former the Speaker called upon Chair of Chairs, Councillor Colleen Makhubele, to preside over the remainder of the agenda.

Proposer: Councillor Vhengani Munyayi
Secunder: Councillor Khomotjo Mashala

MOTION RECOMMENDING EXECUTIVE TO CONDUCT FEASIBILITY STUDY ON THE INTEGRATION OF RESIDENTS FROM ESKOM TO CITY POWER

I, Councillor Vhengani Munyayi hereby table the following motion in terms of Standing Rule 89 (2) (b) make a recommendation to the executive to conduct feasibility study on the integration of residents from Eskom to City Power.

Noting that:

The inability of Eskom to provide stable electricity impacts on the quality of life of our residents and the economic sustainability of the businesses operating in Johannesburg. As the economic hub of South Africa, the impact of Eskom's rolling blackouts in Johannesburg has a significant impact not only on our residents, but on South Africa as a whole.

ActionSA understands that stable electricity supply to the residents of Johannesburg depends on the proper maintenance of our municipal transmission grid and preventing illegal connections and cable theft. However, as Eskom serves large areas of Johannesburg, including parts of Soweto, the poor customer service received by our residents remain outside of our control.

At the Council meeting held on the 22/23 June 2022, the Multi-Party Government resolved to empower City Power to embark on a public participation process regarding the extension of the Kelvin Power Purchase Agreement. The additional electricity sourced through this agreement will allow City Power to protect residents against the most severe impacts of Eskom's rolling blackouts.

The direct impact of this action would be that sustainable electricity supply would be provided to residents served by City Power. However, residents that are customers of Eskom would not be privy to the advantages of this action. Due to the inability of Eskom to provide stable electricity supply, these residents will be left in the dark for much longer.

Believing that:

Our residents are tired of Eskom's service delivery failures. While we do not condone the violent nature of recent community protests against the failure of Eskom's service delivery efforts, we believe it illustrates that we have the responsibility towards our residents to improve the quality of services they receive. ActionSA believes that all residents of Johannesburg have the right to stable and reliable electricity supplied by, a municipal government that is caring and responsive, as opposed to Eskom.

The 1st of July 2022, marked the start of the Multi-Party Government budget, under the theme of the Golden Repair. To give effect to our commitment to repair and rebuild Johannesburg, the Multi-Party Coalition entered into an agreement to reduce our residents' reliance on Eskom. We aim to achieve this by integrating residents currently served by Eskom in the City Power customer-base, enhance access to stable supply of electricity, incentivize prepaid electricity systems and maximise private electricity generation.

Furthermore, we believe that the financial feasibility of this integration means that the historical debt owed to Eskom by their customers cannot be made the City's issue to solve. The City cannot inherit and effectively be held responsible for Eskom, and indeed government's, failures. Any integration of Eskom customers into City Power customers must be done without the transfer of such debt.

Finally, we believe that the increased responsibility of providing services to additional indigent residents arising from the integration of Eskom customers to City Power should be accompanied by an increase in funding from national government. Providing free basic electricity and support to indigent households should always be a funded mandate, as is envisioned by the Constitution.

Therefore, this Council resolves that the Executive must:

1. Submit a report to Council within 100 days outlining the impact of integrating Eskom customers to City Power: the relevant City departments, which includes the Department of Finance, must compile a report detailing the potential financial scope and impact of the proposed integration of Eskom customers to City Power. This report must include which areas are to be integrated, how many total customers this action would include and how many of those customers would be classified as indigent.
2. Submit a report to Council outlining the City's plan to integrate Eskom customers: a report must be tabled which identifies specific steps to be taken, the financial impact and budgetary implications of the integration and the timelines for such integration. Additionally, the report must detail the technical aspects of the integration, the potential additional generation capacity provided by planned independent power producer agreements, and how City Power will be capacitated to sustainably serve the additional customers generated from this action. Finally, the report should detail any plans for a phased implementation approach, which may include a pilot in a pre-identified community.
3. Develop the terms of reference for an inter-governmental negotiation process with the Department of Energy and Mineral Resources and Eskom: within 30 days of this motion being passed, the Executive must table the terms of reference of the negotiation process entered into with the relevant national and provincial departments and entities. This TOR must reflect which officials will be responsible for representing the City's interest and the core goals of the negotiations. The TOR must include a demand for increased transfers from National Treasury to serve the increased number of indigent households that City Power will serve.
4. Initiate a process to engage National Treasury: the successful implementation of the integration requires additional funding from National Treasury to fund the free and subsidised services provided to indigent households. The Executive must initiate a process to engage National Treasury in negotiations within the framework of IGR to thresh out the plans for such funding.

5. Reviews the indigent register to accommodate newly integrated households and ensure that those who can afford to pay for electricity, do indeed pay. To promote the installation of pre-paid meters in every household and ensure that those who cannot afford to pay, such as very poor residents and child-headed households receive a free minimum amount of electricity every month.
6. The first Pilot rollout should have financial provision commitments in 2022/2023 financial year Mid-term budget and prioritise the households or areas that are prone to blackouts.

The Chair of Chairs asked if the motion was supported. The results by a show of hands were as follows:

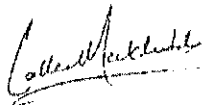
FOR: 135
NO: 127
ABSTAINMENT: 0

MOTION PUT AND CARRIED

8 ANNOUNCEMENTS AND CLOSURE BY THE SPEAKER

The Chair of Chair, Councillor Colleen Makhubele, thanked Councillors for their participation and that announcements would be made in due course.

THE MEETING ADJOURNED AT 00:56.



.....
SPEAKER OF COUNCIL
CLLR C MAKHUBELE

02/05/2023

.....
DATE