



CITY OF JOHANNESBURG COUNCIL

MINUTES OF THE 23rd EXTRA-ORDINARY MEETING OF THE CITY OF JOHANNESBURG MUNICIPALITY HELD ON WEDNESDAY, 1 NOVEMBER 2023, AT 10:00 AT THE BRIXTON MULTI-PURPOSE CENTRE (85 MERCURY STREET, CNR HIGH STREET, MAYFAIR WEST)

**SPEAKER OF COUNCIL
CLLR C MAKHUBELE**

A G E N D A

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- 2 APPLICATIONS FOR LEAVE OF ABSENCE**
- 3 (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**
(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
(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
- 4 ELECTIONS OF THE CHAIRPERSONS OF THE FOLLOWING SECTION 79 COMMITTEES IN TERMS OF RULE 24 OF THE STANDING RULES AND ORDERS OF COUNCIL**
 - GENDER, YOUTH AND PEOPLE WITH DISABILITIES (GEYODI)**
 - PUBLIC SAFETY**
- 5 RECOMMENDATIONS TO COUNCIL**
- 6 MOTIONS**
- 7 ANNOUNCEMENTS**
- 8 CLOSURE**

I N D E X

ITEM NUMBER

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MEMBERS PRESENT

The Speaker: Councillor Makhubele, T C

The Executive Mayor: Councillor K Gwamanda

Abdool, F	Horwitz, J
Amad, T	Huggett, E A
Arnolds, M S	Hughes, Z
Atterbury, E	Ismail-Moosa, I
Avant-Smith, C	Jacobs, B
Baloyi, D L	Jacobs, K
Benjamin, R F	Jainoodeen, Z
Bini, L	Johnson, N
Bittkau, R	Jonker, N
Boer, C	Kaldine, J
Bolani, M G	Kgeletsane, M O
Brand, D G	Khanyile, N M
Buthelezi, T C	Khumalo, X I
Chabalala, M D	Knott, L R
Chame, F	Koekemoer, M
Chauke, K L	Komane, S A
Chetsanga, H	Kreusch, S
Christians, A	Kunene, K
Coutriers, M J	Kwapeng, C
Coverdale, D L T	Landis, R
Crichton, M	Lebatlang, T Z
Da Gama, V M	Lebea, M G
Da Rocha, C M D	Lefutso, L
Davids-Green, L C	Leitch, A N
De Lange, F C	Leshilo, R S
Deppe, A J	Liebenberg, E
Dewes, D S	Lobi, M
Dladla, D	Louw, M A
Doyle, T	Maaake, M J
Echeozonjoku, B C	Mabelebele, S S
Edward, N	Mabuke, T A
Finn, C E	Mabunda, T E
Foley, D T	Mabuza, S K L
Fourie-Shawe, C	Machaba, L M U
Francisco, D B	Machethe, S
Fresling, R R	Madiba, T J
Galeshewe, T M	Magwaza, B L P
Gantsho, L	Magwentshu, L C
Goosen, J W	Maila, S M
Harman, L J	Majola, S
Harris, R	Makamo, S S
Hlatshwayo, S M	Makhafola, E
Hoén, J N	Maluleka, T
Homer, C	Manganyi, D B
Hooper, R S	Mangena, T D

Marais, A F
 Marais, S I
 Marema, V A
 Marumo, T
 Mashala, K
 Mashinini, S
 Masoga, L M
 Masuku, L
 Maswazi, R
 Matabane, O
 Mathe, G
 Mathe, Z E
 Mavhona, L S
 Mazibuko, A L
 Mazibuko, N
 Mazibukwana, M
 Meyers, T
 Mgaga, B
 Mgcina, S E
 Mhlari, T M
 Mhlongo, T A
 Mkasi, G
 Mkhize, T
 Mkhonto, M S
 Mkhonza, N F
 Mmbengwa, M N
 Mmota, L
 Mngadi, W B
 Mnisi, N D
 Mnyameni, M
 Moatshe, K
 Modladlaba, D S
 Modukanene, L C
 Modupi, D N
 Moepi, N J D
 Moeti, O T
 Mofokeng, J
 Mofokeng, M P
 Mogapi, T A
 Mohlala, C
 Mohlala, P K
 Mokoari, Z
 Mokoena, G
 Mokoka, M L
 Mokwena, T M
 Molefe, E W
 Molefe, S B
 Molise, L D
 Moloisane, D
 More, E
 Morero, S E
 Mosehla, K J
 Mothopi, O Z
 Mphaho, M A
 Mphahlele, M
 Mphefo, L M P
 Mpolobosho, M M
 Mposula, T
 Mpotulo, G S
 Mthembu, M N
 Mulelu, M
 Munyayi, V E
 Mutavhatsindi, N T
 Nair, R K
 Ncube, W M
 Ndlela, M C
 Ndou, N L
 Ndou, P
 Ndou, P
 Ndzondo, C M
 Nefdt, P W
 Nethamba, R
 Ngema, S V
 Ngoepe, C S
 Nguse, S
 Ngwenya, F N
 Ngwenya, J A
 Ngwetsheni, M M
 Niemand, G J
 Nkokou, T P
 Nkomo, B
 Nkomo, E T
 Nkosi, R A L
 Nkubungu, L
 Nkwanyana, P B
 Nofemela, N
 Nonkumbi, I M
 Nontenja, C T
 Ntombela, M J
 Ntshidi, T E
 Nyembe, M M
 Nzimande, C
 Papo, M M
 Pelzer, R
 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
Rakosa, P M
Ramafikeng, D J
Ramaru, G
Rambani, N S
Raphadu, A T
Raseruthe, S H
Reddy, V M
Reinten, I M
Roberts, F C
Santana, C G
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
Simonse, L C
Sindani, F P
Smit, P A
Sobey, A
Steenkamp, D
Steer, B
Stewart, A J
Suddaby, J
Sun, Y H
Supe, N P
Tabane, M C
Tambani, P S
Tefu, P V
Telekoa, A T
Truluck, T F
Tshwaku, M
Tshedo, J G
Tsotetsi, L Y M
Twala, Y A
Van der Merwe, M
Van Dyk, N J
Van Wyk, W M
Wax, K P
Williams, M C
Wilskut, D
Wissler, S T J
Xuma, L
Zazini, A
Zitha, S L
Zondo, L T
Zungu, N G
Zwane, S

1 OPENING

The Speaker requested Council to observe a moment of silence for a prayer and meditation. She referred to Rule 7 of the Standing Rules and Orders of Council and read as follows:

Precincts of Council

7 (1) The precincts of Council are the area of land and every building or part of a building under the Legislature's control, including –

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

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

She thereafter declared the Brixton Multi-purpose Centre a Precinct of Council. She indicated that there were 168 Councillors that have signed the register, therefore the meeting had a quorum.

The Speaker welcomed the Executive Mayor of the City of Johannesburg – Councillor K Gwamanda, Whip of Council – Councillor N Zungu, Chair or Chairs – Councillor L Phillips, all political party leaders, and whips, members of the Mayoral Committee, Chairpersons of the Section 79 Committees, fellow Councillors, City Manager – Mr F Brink, Acting Secretary to Council – Mr A Gobinca, officials of the City of Johannesburg, residents of the City of Johannesburg, members of the media, ladies and gentlemen, to the 23rd Extra-Ordinary Council Meeting of the City of Johannesburg Municipality. A special welcome was extended to the Senior Pastor of Unity Fellowship Church, Pastor Makhuba, Professor Makhuba, and the entire leadership of the Unity Fellowship Church.

Councillor Christians (DA) recorded that the notice was read at 10:18 and it was read that the meeting started at 10:00, therefore it must be noted that the meeting started 18 minutes late.

The Speaker stated that she had received a request to table urgent reports from the Executive which she had acceded to. She further stated that she had received a motion without notice proposed by Councillor More and seconded by Councillor Mposula.

2 APPLICATIONS FOR LEAVE OF ABSENCE

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

<i>Councillor Amod, C J</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Coogan, L C</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Rohlssen, C K</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Tshehlo, G J</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Dammie, B H</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Ntoele, N L</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Nenemba, T</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Raholane, M W</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Nkonyeni, S P</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Mabaso, M P</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor Makhuba, H N</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor Nhlapo, C P</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor Ngobeni, L M</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor Mchunu, A</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor Durand, G V M</i>	<i>:</i>	<i>Private Business</i>

The following Councillors requested to arrive late:

Councillor Mhlongo, T A
Councillor Jacobs, K
Councillor Sun, Y H
Councillor Papo, M M
Councillor Homer, C
Councillor Makhafola, E
Councillor Mogapi, T A

The following Councillors requested to leave early:

<i>Councillor Harman, L J</i>	<i>:</i>	<i>17:00</i>
<i>Councillor Reddy, V M</i>	<i>:</i>	<i>17:00</i>

3 (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

None.

(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 said that written responses were uploaded on the link.

Councillor Knott L (DA) addressed Council and brought to the Executive Mayor's attention that there were questions that had been not responded to since April. There was also the issue concerning the Acting Secretary to Council moreover, they were concerned that for several months there were unanswered questions on the previous response papers. She further asked that the Executive Mayor must ensure that his Committee answered all the outstanding questions, otherwise, they would need to take the matter further.

The Speaker in her response said that she was told that all responses were on the link.

(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 Meyers T (DA) addressed Council and asked the following question.

"Executive Mayor, in August a tragedy occurred that left 75 people dead; over 50 people injured, in a building that falls under the responsibility of the Johannesburg Property Company. JPC is making the headlines for all the wrong reasons including political appointments, and donations to the ANC Youth League.

Where is the accountability, and why the Executive Mayor, has the CEO of JPC Ms Helen Botes, and the MMC of Economic Development, Councillor Nomoya Mnisi, not been suspended pending the Commission of Inquiry? Thank you."

The Executive Mayor responded as follows:

"Thank you very much Speaker and thank you, for the question.

Speaker let me first register the fact that the tragedy, the Marshall Town fire, is a concern for all of us. It is a dent that we must acknowledge. It has affected, as you indicated, 77 lives were lost, and it has happened under our watch. Consequence management is critical to ensuring that such situations never occur, either in the immediate or in the future. But let me assure the House that this current administration is doing a thorough assessment of the manner in which the entity of concern, which is JPC, is managed.

We believe in good governance Madam Speaker, and in so doing, we allowed due processes to unfold. The mere fact that it has not come to the fore, regarding what the government of the day is doing in terms of ensuring that we put mitigating measures, over and above, to prevent this from happening in the future. We are attending to it, and we will make sure it is to this Council's satisfaction. Thank you, very much Speaker."

Councillor Meyers asked a follow up question as follows:

"Thank you, Madam Speaker. Thank you, Executive Mayor for the response. However, they still should have been suspended pending your investigation, in terms of consequence management. We have not asked for them to be fired but just be suspended, pending the outcome of an investigation inquiry, that will show some level of accountability. Thank you."

The Executive Mayor responded to a follow up as follows:

"Thank you, very much. As I have indicated previously Madam Speaker, without succumbing to the demand of firing or suspending people. I will ensure that there is thorough consequence management and not only at the top management level because as you would understand there are many managers in JPC with a wide variety of responsibilities. There was a culture in the past where if anything goes wrong it is the Head of the institution that is targeted first but allow us to take a different approach as this administration to ensure that not only do we focus on the top, but we also clean out what also lies at the bottom. Thank you, very much Speaker."

Councillor Marema VA (ANC) addressed Council and asked the Executive Mayor the following question.

"Thank you, very much Speaker.

Executive Mayor, I would like to find out how far the City of Johannesburg is in implementing the remedial action recommended by the Human Rights Commission and the Public Protector on Alexander shutdown that took place in April 2019. This shutdown was triggered by a lack of service delivery and the mushrooming of informal shacks in the area.

And I understand that there was an inter-ministerial task team established by the President subsequent to the total shutdown.

*How many programmes have been implemented thus far?
What measures were put in place to respond to the recommendation brought forward by the Public Protector and the Human Rights Commission?
Can you provide us with an update on the recommendation by the inter-ministerial task team as a response towards the matter raised by the residents of Alex? Thank you."*

The Executive Mayor responded to the question as follows:

"Thank you, very much Councillor. At this point, I will request that I respond to you in writing so that the response you get is of quality that you can accept. Furthermore, due to the lack of visible evidence on what the city has undertaken, it is an equal opportunity for me to do a further analysis to the contributing factor towards why we have not seen any progress to date. Allow me to respond to you in writing, and I will ensure that you have it before the next Council sitting. Thank you, very much Councillor."

4 ELECTION OF THE CHAIRPERSONS OF THE FOLLOWING SECTION 79 COMMITTEES IN TERMS OF RULE 24 OF THE STANDING RULES AND ORDERS OF COUNCIL

- **GENDER, YOUTH AND PEOPLE WITH DISABILITIES (GEYODI)**
- **PUBLIC SAFETY**

The Speaker requested Council to note the Election of the Section 79 Chairpersons will be done in accordance with Rule 24 of the Standing Rules and Orders of Council.

In this instance, the voting shall be by show of hands on the basis that the aforesaid positions are not part of Schedule 3 to the Municipal Structures Act 1998 (Act 117 of 1998) as amended. The procedure set out in this Schedule applies whenever a Municipal Council meets to elect a Speaker, an Executive Mayor, a Deputy Executive Mayor, a Mayor or a Deputy Mayor or the Whip of Council.

She indicated that she had issued nomination forms to all Political Party Whips for political parties to submit nominations for the position of Chairpersons of the Section 79 GEYODI and Public Safety Committees.

She stated that she had received one nomination for Chairperson of GEYODI, and such was from Councillor Mpolobosho M (AHC), seconded by Councillor Arnolds M (AIC), nominating Councillor Machete S (APC).

She indicated that the forms were correctly filled and accordingly signed by the proposers, the seconders, and the nominees.

(1) CHAIRPERSON: GEYODI COMMITTEE

Councillors Mpolobosho M (AHC) and Arnolds M (AIC) accordingly read out the nomination form, proposing and seconding the nomination of Councillor Machete S (APC) for the position of the Chairperson of the GEYODI Committee.

Councillor Machete read out the nomination form, accepting the nomination for the position of the Chairperson of the GEYODI Committee.

The Speaker announced Councillor Machete was the only nominee for the Chairperson of GEYODI committee and announced him as duly elected Chairperson.

(2) CHAIRPERSON: PUBLIC SAFETY COMMITTEE

Councillors Marumo T (ANC) and Nair RK (ANC) accordingly read out the nomination form, proposing and seconding the nomination of Councillor Nonkumbi IM (ANC) for the position of the Chairperson of the Public Safety Committee.

Councillor Nonkumbi (ANC) read out the nomination form, accepting the nomination for the position of the Chairperson of the Public Safety Committee.

The Speaker announced Councillor Nonkumbi (ANC) was the only nominee for the Chairperson of Public Safety committee and announced him as duly elected Chairperson.

Councillor Magwentshu L (ATM) requested Council to elevate motions, and Council acceded to the request.

Councillor Arnolds M (AIC) on behalf of the minority parties in government, requested for 30 minutes caucus break.

Councillor Knott L (DA) requested that the 30-minute caucus break be 30-minute because Council had already waited for an hour after a 15-minute caucus break was granted.

The Speaker granted the 30-minute break and asked Councillors to be back in Council in 30 minutes exactly.

5 RECOMMENDATIONS TO COUNCIL

Councillor Rafferty PD (PA) addressed Council and said that he needed the action of the DA to be noted and placed on record because according to the new Code of Conduct for Councillors, it prohibited what the DA was doing in walking out of a meeting.

The Executive Mayor tabled the reports of the Executive.

Item 1 ACTING ARRANGEMENTS FOR SENIOR MANAGERS (SECTION 56)

Following the debate, the Speaker asked Council if the item was supported, and members present voted as follows:

FOR: 120
AGAINST: 100
ABSTAINED: 6

DA DISSENT ACTIONS SA DISSENT

RESOLVED

1 Notes the information on:

- (1) the currently filled senior manager positions,
- (2) vacant senior manager positions,
- (3) progress on current recruitment of senior manager positions, and
- (4) current acting arrangements;

- 2 Notes the Senior Managers' acting arrangements for the period between September 2023 to January 2024; and
- 3 Authorizes the City Manager or his delegate, in line with the Local Government : Municipal Systems Act, 32 of 2000, to apply to the Member of the Executive Council (MEC) to note the current acting arrangements.

(GROUP CORPORATE AND SHARED SERVICES)
 (GROUP HUMAN CAPITAL MANAGEMENT)
 (Group Head: Group Human Capital Management
 (Anele Kwababa)

Item 2 RECRUITMENT PROCESS AND APPOINTMENT OF
 THE EXECUTIVE DIRECTOR: HEALTH POSITION IN
 ACCORDANCE WITH THE REGULATIONS ON THE
 APPOINTMENT AND CONDITIONS OF EMPLOYMENT
 FOR SENIOR MANAGERS

Following the debate, the Speaker asked Council if the item was supported, and members present voted as follows:

FOR: 126
 AGAINST: 98
 ABSTAINED: 4

RESOLVED

- 1 That the content of this report be noted.
- 2 That Dr. Gadirobe Mothibi be appointed as the Executive Director : Health in the City of Johannesburg, on a permanent contract with effect from 1 November 2023 or as soon as possible thereafter.
- 3 That the City Manager or his nominee be authorized to negotiate and finalize the terms and conditions of the permanent employment contract, remuneration, performance contract and security clearance requirements with Dr. Gadirobe Mothibi.
- 4 That the City Manager or his nominee be authorized to negotiate and finalize the terms and conditions of the permanent contract, remuneration, performance contract and security clearance of the second ranking candidate, Dr. Busisiwe Gloria Mashaba, if Dr. Gadirobe Mothibi is unable to take up the offer of employment.

- 5 That 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 a contract of employment and a performance management contract with the City Manager.

(GROUP CORPORATE AND SHARED SERVICES)
 (GROUP HUMAN CAPITAL MANAGEMENT)
 (Group Head: Group Human Capital Management
 (Anele Kwababa)
 (Tel. (011) 407-6926)

Item 3 RECRUITMENT AND APPOINTMENT OF
 THE CHIEF OPERATIONS OFFICER IN
 ACCORDANCE WITH THE REGULATIONS
 ON APPOINTMENT AND CONDITIONS OF
 EMPLOYMENT OF SENIOR MANAGERS

Following the debate, the Speaker asked Council if the item was supported, and members present voted as follows:

FOR: 124
 AGAINST: 102
 ABSTAINED: 1

RESOLVED

- 1 That the content of this report be noted.
- 2 That Mr. Tshepo Lazarus Makola be appointed as the Chief Operations Officer in the City of Johannesburg, on a permanent contract with effect from 01 December 2023 or as soon as possible thereafter.
- 3 The City Manager or his nominee be authorized to negotiate and finalize the terms and conditions of the permanent employment contract, remuneration, performance contract and security clearance requirements with Mr. Tshepo Lazarus Makola.
- 4 That the City Manager or his nominee be authorized to negotiate and finalize the terms and conditions of the permanent contract, remuneration, performance contract and security clearance of the alternate second ranking candidate, Mr. Mokutu Derrick Kgwale, if Mr. Tshepo Lazarus Makola is unable to take up the offer of employment.

- 5 That 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 a contract of employment and a performance management contract with the City Manager

(GROUP CORPORATE AND SHARED SERVICES)

DA DISSENT

- Item 4 ALLEGATIONS OF MISCONDUCT AGAINST
THE EXECUTIVE DIRECTOR: DEVELOPMENT
PLANNING

This item was dealt with in-committee.

RESOLVED

- 1 That Council notes the content of the report.
- 2 That Council authorizes the City Manager or his delegate to appoint an independent investigator to investigate the allegations of misconduct.
- 3 That Council places the Executive Director: Development Planning on special leave whilst the investigation is conducted.

(GROUP CORPORATE AND SHARED SERVICES)

- Item 5 A REPORT IN TERMS OF SECTION 55 (1) (k) OF THE SYSTEMS ACT TO REQUEST COUNCIL TO EXTEND THE INVESTIGATION PERIOD OF THE SPECIAL AND INDEPENDENT INVESTIGATION COMMITTEE (SIIC), FOLLOWING THE UNTIMELY PASSING OF A JUNIOR ADVOCATE, AND NON-AVAILABILITY OF CERTAIN PERSONS WHO WERE ALSO NOMINATED TO SERVE ON THE COMMITTEE

Following the debate, the Speaker asked Council if the item was supported, and members present voted as follows:

FOR: 121
AGAINST: 101
ABSTAINED: 5

**DA DISSENT
ACTIONS A DISSENT**

RESOLVED

IT IS RECOMMENDED THAT THE MUNICIPAL COUNCIL:

- 1 Notes and consider the contents of this report and its attachments, which is submitted in terms of section 55 (1) (k) of the Municipal Systems Act ("MSA").
- 2 Approves the extension of the investigation period of Special and Independent Investigation Committee (SIIC) to the 31st of January 2024 or soon thereafter.
- 3 Authorises the City Manager to take all necessary steps to ensure that Committee (SIIC) is constituted and operates in line with the resolution of 5 September 2023.

(GROUP CORPORATE & SHARED SERVICES)

6 MOTIONS

MOTION 1: MOTION FOR FEASIBILITY STUDY ON RECYCLING PLANTS IN ALL WARDS OF JOHANNESBURG

Proposer: Councillor K Mosehla

Seconder: Councillor S Nkosi

Councillor Mosehla (EFF) addressed Council and presented the motion as follows:

I, Councillor Kalushi Johannes Mosehla, propose a motion in terms of Rule 94(1) of the Standing Rules and Orders of Council.

Noting that:

1. *Section 152(1)(d) of the Constitution of the Republic of South Africa identifies the promotion of a safe and healthy environment as one of the objects of municipalities.*
2. *Several research studies have highlighted that recycling allows materials that would become waste to be used as valuable resources.*
3. *The Economic Freedom Fighters (EFF) 2021 local government manifesto states that every EFF municipality should build a new recycling plant.*
4. *The 2021 local government manifesto also mentions that every EFF municipality should provide waste reclaimers with training and processing facilities and access to the market.*

Against the background provided above, we recommend that:

- a. *The city conducts a feasibility study on the building of recycling plants in all wards around Johannesburg.*

- b. *The feasibility study process commences within 90 days after the motion is approved by the council.*
- c. *If feasible, provide waste reclaimers with training and processing facilities to enable them to access the formal market.*

The Speaker asked Council if the motion was supported, Councillors present agreed to the motion. Therefore, the Speaker declared the motion carried.

**MOTION PUT AND CARRIED
DA DISSENT**

MOTION 2: REQUESTING COUNCIL FOR SPATIAL PLANNING AUDIT ON ZANDSPRUIT UNDER WARD 114.

Proposer: Councillor D Mangena
Seconder: Councillor L Ndou

Councillor Mangenda (ANC) addressed Council and withdrew the motion.

MOTION WITHDRAWN

MOTION 3: MOTION REQUESTING CITY OF JOBURG TO CONDUCT A RESEARCH ON THE WATER SUPPLYING ITS WATER

Proposer: Councillor M Mmbengwa
Seconder: Councillor L Ndou

Councillor Mmbengwa (ANC) addressed Council and presented the motion as follows:

Background

The City of Joburg receives water from Rand Water, and Rand Water procures it from the Government of Lesotho. This demonstrates that the City of Joburg municipality is solely reliant on the Kingdom of Lesotho.

In recent years, the City of Cape Town faced water shedding and "Day Zero" crisis. The question now arises; should the "Day Zero" come to the City of Johannesburg and what will we do? What will be our alternative water source? Where are our strategists and what is our plan?

In Ward 123, Region F, Inner City, there is a spring of water that gushes its water out at the Ellis Park area and the whole of Doornfontein. This alone makes Ward 123 with higher level of table water. Additionally, along with no. 280 Smit Street and Edith Caivel Street, Joubert Park the former Joubert Post Office Building experiences continues water pumping of water onto Wolmarans Street. During rainy seasons, this situation exacerbates, requiring daily pumping efforts.

It has been noticed that:

- *The City of Joburg (Joburg Water) relies solely on the imported water from Lesotho through the Rand Water buying process. Joburg Water does not have any alternative water apart from Rand Water and Lesotho buying arrangements.*
- *The City of Joburg has enough ground water in the south and other areas such as Doornfontein, Bertrams and Elis Park,*
- *There are already water spots, with the one being conducted in Yeoville with a capacity of producing 6.1 Litre of water per sec.*
- *Gautrain stations in Midrand, Malboro areas continuously pump out water, supporting about 10 families at a supply rate of 150 litres per family, accommodating a family of 4 people a day. If this water is not pumped out daily Gautrain in Midrand will flood, affecting the whole functionality of Gautrain services.*
- *The University of Johannesburg (UJDFC or the UJ Doornfontein Campus), has tapped into this alternative water source and has bottled this water after internal processing and purifications.*
- *The use of alternate water source enable the City of Joburg generate up to 30% (thirty percent) of its own water. This will result in significant savings in revenue.*

It is, therefore recommended that:

1. *The City institute a professional team with experts under the employ of the City of Joburg to conduct research on the quantity of underground water available, the cost of processing this water, and provide projection on the duration or lifespan supply of these abundant waters sources.*
2. *The research should take within ninety days.*
3. *The responsible department must submit the assessment report within ninety days.*
4. *The research team must maintain communication with the Council through the relevant Member Mayoral Committee.*
5. *All the recommendations from the professional team should be implemented and time frames should be included in the reports. And.*
6. *Upon presentation, possible funding options should be included in the report so that the Council can proceed with the process of ensuring that the City of Johannesburg has alternative water sources within our lifetime.*

Following the debate, the Speaker asked Council if the motion was supported, and members present voted as follows:

FOR: 137

AGAINST: 36

ABSTAINED: 67

MOTION PUT AND CARRIED

MOTION 4: MOTION RECOMMENDING MMC FOR TRANSPORT DO A FEASIBILITY STUDY TO INCORPORATE METROBUS WITH THE REA VAYA BRT SYSTEM

Proposer: Councillor L Mokoka

Seconder: Councillor T Mabunda

Councillor Mokoka (ACTIONSA) addressed Council and presented the motion as follows:

Noting that:

For the past couple of years, Metrobus has not been generating realistic and tangible revenue for the City of Johannesburg. As a result, the entity is struggling to keep afloat. There is a shortage of buses, with several non-operational buses due to a lack of servicing, and the service plan have subsequently expired. The entity is experiencing a lot of theft in respect of the collection of bus fares that the commuters are paying. Despite these challenges, the City of Johannesburg continues to inject funds into Metrobus.

Therefore, this council resolves:

1. That a motion Recommending that the MMC for Transport do a thorough feasibility study to merge Metrobus and Rea Vaya BRT and provide a detailed report of such finding to council within 60 days, be passed by council.

Following the debate, the Speaker asked Council if the motion was supported, and members present voted as follows:

FOR: 48

AGAINST: 127

ABSTAINED: 65

MOTION PUT AND NOT CARRIED**MOTION 5: MOTION RECOMMENDING THE CITY OF JOHANNESBURG COUNCIL TO DEVELOP AND ADOPT A POLICY ON TRAINING AND DEVELOPMENT OF COUNCILLORS.**

Proposer: Councillor M Mabaso

Seconder: Councillor D Manganyi

In the absence of Councillor Mabaso as the proposer, Councillor Manganyi (IFP) addressed Council and presented the motion as follows:

The Remuneration of Public Office Bearers Act no. 20 of 1998 gives mandate to every Municipal Council to develop and adopt a policy, including a criterion to provide for education and development of Councillors.

The local government is one sphere of government that is highly legislated, and the current programs are not sufficient nor properly coordinated to assist Councillors to understand all the laws governing local government.

Given that the term of office for Public Office Bearers in five years and, in some instances, Councillors may lose their offices without any plans, it is imperative that Council consider capacitating Councillors, equipping them for life after holding office.

We therefore recommend:

- *That Council develop and adopt a policy on training and development of Councillors.*
- *That Council set aside budget for the program following legal prescript as enshrined in the remuneration of Public Office Bearers Act.*
- *That a draft policy be submitted to Council three (3) months upon approval of this motion.*

The Speaker asked Council if the motion was supported, Councillors present agreed to the motion. Therefore, the Speaker declared the motion carried.

MOTION PUT AND CARRIED

MOTION 6: MOTION RECOMMENDING FOR THE PROVISION OF ADEQUATE WATER, SANITATION AND ELECTRICITY IN MATHOLESVILLE EXTENSION 4, IN WARD 127, REGION C, IN THE CITY OF JOHANNESBURG

Proposer: Councillor L Bini

Seconder: Councillor T Mabunda

Councillor Bini (ACTIONSA) addressed and presented the motion follows:

Noting that:

Matholesville Extension 4 is a township on the outskirts of the Westrand in the City of Johannesburg, where crime, unemployment and abject poverty is the order of the day. The lack of providing proper service delivery has directly contributed to these conditions that no human being should be subjected to. This is a direct violation of the Basic Human Rights as enshrined in Section 16 of the Constitution of the Republic of South Africa, 1996.

Adding insult to injury and taking into consideration that this is NOT an informal settlement, the residents do not have access to cleaning running water, no proper ablution facilities and still using chemical toilet to relieve themselves, and of course, no electricity. All of these factors contributes to the high level of crime in the community, such as rape, murder, house-break-ins, robbery, gender-based violence (GBV), and the constant abuse of women and children. On the 5th of December 2022, two (2) females were found dead, and everyone treats this as normal. This is totally unacceptable in an era of Democracy.

As ActionSA, that believes that all South Africans are entitled to proper service delivery and to live a life of dignity, we request the following:

THAT COUNCIL RESOLVES THE FOLLOWING:

In line with the Mayoral Priorities, I hereby request that a collaborated portfolio/entity oversight visit within the current financial year, be initiated the process of restoring the dignity of our people by:

- (1) Identifying the challenges as mentioned above, and drafting an integrated proposal/approach on:

 - a) How these challenges can be addressed.*
 - b) How budget can be sourced to address these challenges or whether a budget is available to address these challenges.*
 - c) How this collaborated portfolio/entity will implement and execute the plan to bring proper service delivery to the residents of Matholesville Extension 4, so that they can too enjoy a life of dignity, free of crime.**
- (2) The collaborated portfolio/entity implementation plan, with communicated timelines, within 60 days.*

Following the debate, the Speaker asked Council if the motion was supported, and members present voted as follows:

FOR: 113
AGAINST: 124
ABSTAINED: 0

MOTION PUT AND NOT CARRIED

MOTION 7: RECOMMENDING THE CITY OF JOBURG MUST PURCHASE THE CHURCH PREMISES AND USE IT AS PART OF THE CITY FACILITIES FOR ECONOMIC DEVELOPMENT PURPOSES

Proposer: Councillor M Mmbengwa
Seconder: M Mulelu

Councillor Lebatlang Z (ActionSA) rose on a point of order on Rule 92 (1) of the Standing Rules and Orders of Council, which stated:

92 A motion is admissible if –

- (1) The matter is not pending before a court of law.*

He thereafter said that as ActionSA, they could not allow a motion that was deemed inadmissible in the Programming Committee, recorded on minutes, to serve in Council. He further said that based on the recommendation given by the Legal team, the motion must be struck off the agenda of the day, and Council cannot debate on it.

The Speaker responded that the motion was approved to serve in Council by the Programming Committee, and Council will proceed with the motion.

Councillor Marema VA (ANC) addressed Council and said that both the proposer and the seconder indicated they were not feeling well and requested that the motion be dealt with at a later stage.

The Speaker responded that Council would proceed with motion 8.

On resumption of motion 7, Councillor Christian A (DA) addressed Council and said that at the time Council was to deal with this motion, both the proposer and seconder were not present in Council. He added that the motion should fall off in terms of the Rules, and further asked the Speaker to advise Council on what Rule did she defer dealing with the motion.

The Speaker responded to Council Christians and said that the proposer and the seconder were not absent from the Council. Councillor Marema had asked for Council to excuse them and for the motion to be deferred to a later stage. She added that they were now back in the House and Council will proceed with the motion.

Councillor Lebatlang addressed Council on a point of order, Rule 92 (1), of the Standing Rules and Orders of Council, which stated:

92 A motion is admissible if –

(1) The matter is not pending before a court of law.

He concluded and said that the Legal notes clearly stated that the motion was inadmissible and should not serve in Council, he would like for the Speaker to seek Legal advice as to how Council will proceed with the matter.

Councillor Raphadu TA (ANC) in his address said that Councillor Lebatlang served in the Programming Committee, where he had raised the issue and further said that Councillor Lebatlang must not abuse Councillors.

Councillor Lebatlang (ACTIONSA) continued and said that based on the point of order they raised, Rule 92 (1), they request Legal team advise Council on how it should proceed with a motion that is stated as inadmissible according to the Legal notes.

The Speaker in her response said that the Legal Advisors do not make decisions on what goes to Council, the Programming Committee makes the decision. She further said that if ActionSA needed a legal opinion on the matter, they must seek it, and those were the Rules of Council as they stand. She added that the motions had passed through the Programming Committee and now will serve in Council.

Councillor Mmbengwa (ANC) in his address said that due to issues that needed to be sorted out, he withdrew the motion.

MOTION WITHDRAWN

MOTION 8: MOTION FOR AN AUDIT AND REPORT TO BE DONE INTO THE NUMBER OF RESIDENTS, RESIDENTS ILLEGALLY OPERATING BUSINESS FROM HOME, ILLEGAL DWELLINGS BUILT AND COMMERCIAL BUSINESSES IN RIVERPARK, WHICH IS ALLOCATED IN WARD 81, REGION E.

Proposer: Councillor J Horwitz

Seconder: Councillor S Rambani

Councillor Horwitz (DA) addressed Council and presented the motions as follows:

NOTING THAT:

1. As a result of the poor job market and the increasing cost of living unemployed residents all over the City of Joburg have:
 - 1.1 begun operating illegal businesses; and
 - 1.2 built a multiple of illegal dwelling units in their backyards to earn rental, understandably, yet untimely unlawfully attempting to meet their most basic needs.
2. The suburb of Riverpark is an exemplar of this phenomenon of pervasive illegality with the abject failure of by-law implementation by all entities tasked with their enforcement.
3. The unavoidable result is that the power supply which before was sufficient for the residents of Riverpark is now wholly insufficient. During this past winter here there were substations, mini-substations and fuse boxes exploding through consistent overloading on an almost daily basis.
4. Whilst all levels of government should facilitate entrepreneurs and small business activity, all such activity much be done on a legal basis so that all residents' rights are protected.
5. Insofar as the City of Joburg are wholly unable to maintain law and order through the implementation of their own by-laws, we must then take responsibility for the resultant situation wherein the supply of electricity to an area has become unstable and wholly insufficient.

THE DEMOCRATIC ALLIANCE'S BELIEFS ARE THAT:

1. The City of Joburg should be a city that is caring and inclusive and should seek to enable residents to meet at least their most basic survival needs lawfully.
2. The prevalence of illegal income generation means there is now an unstable and wholly insufficient power supply which deprives residents living within the bounds of the law of the land of the basic comforts of hot water, hot food and electricity to pursue a variety of other activities.
3. It is on the above bases that the Democratic Alliance wish to request that a task team be formed by relevant portfolios such as EISD, Economic Development and Development Planning to conduct an audit of the power supply needs of all the residents and businesses of Riverpark.

IT IS THEREFORE RECOMMENDED THAT:

Relevant MMCs work together to form a task team to:

1. Conduct an audit on the number of all residents' units and all businesses currently in existence in Riverpark; and
2. Gauge the power supply needs of all the residents and businesses in Riverpark; and
3. Conceptualize a proposal by way of a plan to satisfactorily meet the power now needed in Riverpark; and
4. Report back to Council with a proposed plan to provide sufficient power to Riverpark to meet their current power supply demand.

Following the debate, the Speaker asked council if the motion was supported, and members present voted as follows:

FOR: 71

AGAINST: 122

ABSTAINED: 39

MOTION PUT AND NOT CARRIED**MOTION 9: MOTION FOR JRA TO HAVE A JETYAC TRUCK IN EACH DEPOT FOR EFFICIENT SERVICE DELIVERY**

Proposer: Councillor VA Marema

Seconder: Councillor D Francisco

Councillor Marema (ANC) addressed Council and presented the motion as follows:

Noting that:

A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in Section 153 subsection (1) of the constitution;

1. *which clearly states that a Municipality must;*
 - a. *Structure and manage its Administration, Budgeting and Planning Processes to give priority to the basic needs of the Community and to promote the Social and Economic Development of the Community;*

Background.

The City of Johannesburg Region E is estimated to have around 5000 Kerb Inlets and storm water drains. The entire City of Johannesburg could have quad-triple the estimated number of these drains. Having only one jet-vac truck servicing the entire city has a ripple effect on road infrastructure in the City of Johannesburg. Additional challenges include climate change issues, constant flooding and population growth in the city.

It is against the said Sub-Sections of the Constitution of South Africa that I move to table a Motion for the Johannesburg Roads Agency (JRA) to procure a JetVac Truck at each Depot in the City of Johannesburg.

As we speak, the city only has one jetting truck which services the entire city. Procuring Jetvac trucks for each depot would enable the thorough cleaning of our Storm Water Drainage Systems. There has been a continuous community outcry of blocked Storm Water Drainage and KI's causing flooding each time during the rainy season.

Studies suggest that over the past few years, the City of Johannesburg has received a many complains related to drain blockages, road erosion, and bursting water pipes. Not only do these issues affect in the communities, but they put pressure in the city's budget for maintenance.

The adage "prevention is better than cure" is essential in reducing the city's road infrastructure problems. The city needs to invest in the maintenance of these drains to prevent the continuous repair of roads and drain blockages that take months to fix.

I therefore recommend that Council resolves;

- 1. That the city procures at least two Jetvac trucks in each financial year starting from 2024/2025 budget cycle.*
- 2. That the city submits a list of all Kerb inlets and storm drains per region and report on how often they unblock them in preparation for rainy seasons.*

Following the debate, the Speaker asked Council if the motion was supported, and members present voted as follows:

FOR: 164

AGAINST: 2

ABSTAINED: 66

MOTION PUT AND CARRIED

MOTION 10: MOTION RECOMMENDING COUNCIL FOR THE COMPLETE WRITE-OFF OF MUNICIPAL ARREARS THAT WOULD BE CONSIDERED AS PRESCRIBED FOR RESIDENTIAL PROPERTIES VALUED AT LESS THAN ONE MILLION RAND

Proposer: Councillor D Ponsoby

Secunder: Councillor J Kaldine

Councillor Ponsoby (PA) addressed Council and presented the motion as follows:

Observing that:

- 1. The Patriotic Alliance acknowledges that given the current financial and employment crisis in our municipality, it is implausible that most residents will ever be able to settle their historical debts. Our outstanding debtor's balance currently exceeds 47 billion rand, with virtually no prospect of recovery.*
- 2. The recent debt rehabilitation process, marked by conflicting messages from certain community organisations, has created confusion and deterred many residents from applying. Despite numerous requests, the finance department has not issued a statement clarifying the court's instruction to pursue mediation.*
- 3. We are of the opinion that this proposed write-off could offer residents a fresh start and encourage a renewed culture of timely payments. Additionally, we request the installation of both water and electricity pre-paid meters by the City to prevent further arrears. The existing ESP Program will provide essential support to the most vulnerable members of our community.*

Believing that:

This initiative will contribute to increased revenue collection and the resolution of the substantial number of outstanding account queries. Upon the acceptance of this motion, ward councillors must conduct community meetings to secure residents' support for the implementation of water and electricity prepaid meters.

Therefore:

We recommend that the council approve the write-off, taking into full consideration all applicable legal provisions governing this process.

Following the debate, the Speaker asked Council if the motion was supported, and members present voted as follows:

FOR: 166

AGAINST: 5

ABSTAINED: 63

MOTION PUT AND CARRIED

MOTION 11: MOTION RECOMMENDING FOR A FULL AUDIT INVESTIGATION INTO THE CURRENT OCCUPATION OF CITY OF JOHANNESBURG OWNED OLD AGE RETIREMENT VILLAGES THROUGHOUT THE CITY

Proposer: Councillor M Coutriers

Seconder: Councillor E Liebenberg

Councillor Coutriers (ACTIONSA) addressed Council and presented the motion as follows:

Noting that:

Admission to older persons' residential facilities, require that Elderly South African citizens meet the following admission requirements:

- *In need of full-time attendance,*
- *60 years or older and destitute,*
- *A South African Citizen, and*
- *Receiving an old-age grant or pension fund.*

It is a known fact that many of the units in these old-age home/retirement villages are occupied by individuals that do not meet the admission requirements, while individuals who do meet these requirements and are desperately in need of a safe environment are literally left out in the cold. To demonstrate the seriousness of the above, the City's Ombudsman have taken it upon themselves to investigate the conditions faced by elderly citizens at these old-age home/retirement villages. In August 2022, the Ombudsman visited the Eeufees Oord Old Age Home in Westdene in Region B, and one of the complaints raised is the challenges with illegal occupants living in the old-age home/retirement villages that victimize them.

As ActionSA, we believe that all elderly South African Citizens have the right to live a life of dignity in a safe environment, free of victimization and intimidation, as defined in Chapter 2 of the Constitution of the Republic of South Africa – Bill of Rights, which enshrines the right of all people in our country and affirms the democratic values of human dignity, equality and freedom, read together with Article 2 (a) & (b) of the Older Persons Act (Act 13 of 2006) with the objective of maintaining and promoting the status, well-being, safety and security of older persons; as well as maintain and protecting the rights of older persons.

We therefor request the following:

THAT COUNCIL RESOLVES THE FOLLOWING:

In line with the Mayoral priorities, we request that a Collaborated Portfolio/Entity Oversight Visit, within the current financial year, initiate the process of restoring the dignity of our elderly people in a safe environment by:

1. *Investigate the current admission irregularities that is happening across all City of Johannesburg owned old age/retirement villages.*

- 2. *A collaborated Portfolio/Entity Oversight visit to known old age/retirement villages where the elderly are living in abject living conditions, with no realistic and tangible security to protect them against these illegal tenants that victimize and intimidates the elderly into silence, within 100 days.*

Following the debate, the Speaker asked Council if the motion was supported, and members present voted as follows:

FOR: 109
 AGAINST: 124
 ABSTAINED: 0

MOTION PUT AND NOT CARRIED

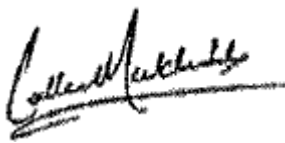
7 ANNOUNCEMENTS

None.

8 CLOSURE

The Speaker thanked Councillors for attending the meeting.

THE MEETING ADJOURNED AT 23:00.



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 SPEAKER OF COUNCIL

2023/12/07

 DATE