



CITY OF JOHANNESBURG
METROPOLITAN MUNICIPALITY
OFFICE OF THE SPEAKER

MINUTES OF THE 17th EXTRA-ORDINARY COUNCIL MEETING OF THE CITY OF JOHANNESBURG MUNICIPALITY HELD ON FRIDAY, 12 MAY 2023, AT 10:00 AT THE CONSTANCE CONNY BAPELA COUNCIL CHAMBER, METROPOLITAN CENTRE, BRAAMFONTEIN.

**SPEAKER OF COUNCIL
CLLR C MAKHUBELE**

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(12th Ordinary Meeting held on 22&23 March 2023)**
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 - ENVIRONMENT, INFRASTRUCTURE AND SERVICES**
 - GENDER, YOUTH AND PEOPLE WITH DISABILITIES (GEYODI)**
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MEMBERS PRESENT

The Speaker: Councillor Makhubele, T C

The Executive Mayor: Councillor Gwamanda, K

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Amad, T	Hoén, J N
Amod, C J	Homer, C
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Atterbury, E	Horwitz, J
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Chame, F	Knott, L R
Chauke, K L	Koekemoer, M
Chetsanga, H	Komane, S A
Christians, A	Kreusch, S
Coogan, L C	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
Dauids-Green, L C	Leitch, A N
De Lange, F C	Leshilo, R S
Dellwaria, N	Lobi, M
Deppe, A J	Louw, M A
Dewes, D S	Maake, M J
Dladla, D	Mabaso, M P
Dlamini, B	Mabelebele, S S
Doyle, T	Mabuke, T A
Durand, G V M	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
Gantsho, L	Makamo, S S
Goosen, J W	Makhafola, E
Harris, R	

Makhuba, H N	Molefe, M
Maluleka, T	Molefe, S B
Manganyi, D B	Molise, L D
Mangena, T D	Moloisane, D
Marais, A F	More, E
Marais, S I	Morero, S E
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Marumo, T	Mothopi, O Z
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Masoga, L M	Mphefo, L M P
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Maswazi, R	Mposula, T
Mathe, G	Mpotulo, G S
Mathe, Z E	Mthembu, M N
Mavhona, L S	Mulelu, M
Mazibuko, A L	Munyayi, V E
Mazibuko, N	Mutavhatsindi, N T
Mazibukwana, M	Nair, R K
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Mchunu, A	Ndou, N L
Meyers, T	Ndou, P
Mgaga, B	Ndzondo, C M
Mgcina, S E	Nefdt, P W
Mhlari, T M	Nenemba, T
Mhlongo, T A	Ngema, S V
Mkasi, G	Ngobeni, L M
Mkhize, T	Ngobeni, R F
Mkhonto, M S	Ngoepe, C S
Mkhonza, N F	Ngwenya, F N
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Mmota, L	Nhlapo, C P
Mngadi, W B	Niemand, G J
Mnisi, N D	Nkokou, T P
Mnyameni, M	Nkomo, B
Moatshe, K	Nkomo, E T
Modladlaba, D S	Nkomo, P T
Modukanene, L C	Nkosi, R A L
Modupi, D N	Nkubungu, L
Moepi, N J D	Nkwanyana, P B
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Mofokeng, J	Nonkumbi, I M
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Mohlala, P K	Nzimande, C
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Mokoka, M L	Phalatse, M
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Rahn, N J	Tabane, M C
Raholane, M W	Tambani, P S
Rakosa, P M	Tefu, P V
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Ramaru, G	Tembe, D S
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Reinten, I M	Tshehlo, G J
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Sekhu, M V	Wax, K P
Sekwaila, B J	Williams, M C
Sesedinyane, M I	Wilskut, D
Shackleford, L M	Wissler, S T J
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Sherman, G J	Xuma, L
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Sindani, F P	Zungu, N G
Smit, P A	Zwane, S
Sobey, A	

1 OPENING

The Speaker requested Council to observe a moment of silence.

Councillor Meyers (DA) addressed Council and referred to Rule 57(1) of the Standing Rules and Orders of Council which states that:

"Quorum at beginning of the meeting

If, at the expiry of 20 minutes after the time set in the Notice in terms of Rule 55 for the commencement of a Council or Committee meeting a quorum is not constituted, the meeting shall be adjourned, unless it is decided, with the unanimous consent of the Councillors present, to allow for further time not exceeding 10 minutes, in order to enable a quorum to be present."

In her response, the Speaker stated that according to the clock, Council was still within 20 minutes, but shall give further 10 minutes to allow for the quorum and by 10:30, they shall determine the quorum.

At this point, time being 10:30, the Speaker asked legal to confirm quorum. Legal confirmed that there were 156 Councillors that have signed the register therefore there was a quorum. She said that she will update the House again as she receives further confirmation of quorum.

The Speaker welcomed the Executive Mayor of the City of Johannesburg, Councillor Kabelo Gwamanda, the Whip of Council, Councillor Zungu, the Chair of Chairs, Councillor Phillips, all political party leaders and whips, Members of the Mayoral committee, Chairpersons of the Sections 79 Committees, fellow councillors, City Manager, Mr Floyd Brink, Acting Secretary to Council, Mr Andile Gobinca, officials of the City of Johannesburg, members of the media, ladies and gentlemen to the 17th Extra-Ordinary Council meeting of the City of Johannesburg Municipality.

She congratulated the new Executive Mayor, Councillor K Gwamanda on his election. She further congratulated the following MMCs on their appointment.

MMC Finance, Councillor S Morero.

MMC Group Corporate and Shared Services, Councillor L Masuku.

MMC Environment and Infrastructure Services, Councillor J Sekwaila

MMC Public Safety, Council M Tshwaku

MC Economic Development, Council N Mnisi

MMC Human Settlements, Councillor A Leich

MNC Community Development, Councillor L Magwentshu

MMC Transport, Councillor K Kunene

MMC Health and Social Development, Councillor E Makhafola.

MMC Development Planning, Councillor E Mgcina

She indicated that she has received a request from the Executive in terms of Rule 64 of the Standing Rules and Orders of Council to include two additional reports, items 16 and 17, and she has acceded to the request for the urgent reports.

The Speaker asked Councillors to join her in wishing the following Councillors who are celebrating their birthdays in May a happy birthday and wished them well.

Dladla, D

Edward, N

Harris, R

Makhafola, E

Masoga, L

Mkhonza, N

Mohlala, C

Mposula, T

Nguse, S

Niemand, G

Nzimande, C

Radebe, N

Rahn, N
 Sindani, F
 Smit, P
 Van der Schyf, C

The Speaker asked Council to again rise for a moment of silence for the two detectives from Honeydew police station that were shot and killed whilst on duty at Roodepoort on the 10th of May and wished their families strength and sent their prayers and condolences at this time.

She thereafter requested Legal to confirm quorum since the DA Caucus had vacated the House. She asked Councillors to remain seated so that Legal could be able to count the number of Councillors present in the House.

The Speaker asked caucus leaders that were present to ensure that their caucuses are in the House because the numbers on the registers and Councillors present in the House do not tally. She said that the number of Councillors that have signed the register excluding the Democratic Alliance were 168 and the number of Councillors present in the House was 135. She stated that Legal will recount the number of Councillors in the House and if they do not form a quorum, which is 136 Councillors present, the meeting will be adjourned. She pleaded with caucus leaders to ensure that their members were in the House and seated. The Speaker confirmed that there were 165 Councillors, therefore the meeting quorate.

The Whip of Council recorded a concern in a manner that the Democratic Alliance has left the meeting. He said that such behaviour was not acceptable, especially that there is a court ruling that speaks to such behaviours. He further said that that must be corrected going forward.

2 APPLICATIONS FOR LEAVE OF ABSENCE

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

<i>Councillor T Nontenja</i>	<i>:</i>	<i>Urgent Private Business</i>
<i>Councillor M Nyembe</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor E Liebenberg</i>	<i>:</i>	<i>Illness</i>
<i>Councillor J Jainoodeen</i>	<i>:</i>	<i>Illness</i>
<i>Councillor K Shumba</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor B Dammie</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Y Twala</i>	<i>:</i>	<i>Illness</i>
<i>Councillor P Ndou</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor S Nguse</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor S Raseruthe</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor S Seema</i>	<i>:</i>	<i>Illness</i>
<i>Councillor R Nethamba</i>	<i>:</i>	<i>Illness</i>

The following ActionSA Councillors requested to leave at 13:00- to attend to urgent party business:

*Councillor Atterbury E
 Councillor Bini L
 Councillor Coutriers M
 Councillor Coverdale D
 Councillor Davids-Green L
 Councillor Durand G
 Councillor Edward N
 Councillor Gantsho L
 Councillor Johnson N
 Councillor Lebatlang Z
 Councillor Mabelebele S
 Councillor Mabunda T
 Councillor Machaba L
 Councillor Majola S
 Councillor Mashala K
 Councillor Masoga L
 Councillor Mbundu N
 Councillor Mchunu A
 Councillor Mkhonto S
 Councillor Moatshe K
 Councillor Modukanene L
 Councillor Mohlala C
 Councillor Mohlala P
 Councillor Mokoka L
 Councillor More E
 Councillor Mposula T
 Councillor Mthembu N
 Councillor Munyayi V
 Councillor Nefdt P
 Councillor Ngobeni L
 Councillor Ngobeni F
 Councillor Nkomo T
 Councillor Ntombela J
 Councillor Ntshidi E
 Councillor Rakosa M
 Councillor Sobey A
 Councillor Tembe D
 Councillor van der Schyf C
 Councillor van Wyk M
 Councillor Wissler S
 Councillor Zwane S*

The following Councillors requested to leave the meeting.

<i>Councillor D Ponsonby</i>	<i>13:00</i>	<i>Illness</i>
<i>Councillor J Kaldine</i>	<i>13:00</i>	<i>Illness</i>
<i>Councillor L Phillips</i>	<i>13:00</i>	<i>Private Business</i>

<i>Councillor T Amad</i>	<i>15:00</i>	<i>Private Business</i>
<i>Councillor M Arnolds</i>	<i>15:00</i>	<i>Private Business</i>

Councillors from the ANC MPAC study group to leave the meeting at 15:00 to attend the SALGA training.

The following Councillors requested to arrive late.

*Councillor Tsotetsi L
Councillor Molefe M
Councillor Mphahlele M*

Councillor Amad requested that the Muslim Councillor be released at 12:30 for prayer and they will return.

The Speaker stated that they will do the head count continuously to ensure that there was quorum noting the leave of absence given.

3 CONFIRMATION OF MINUTES

(12th Ordinary Meeting held on 22-23 March 2023)

Page 24, Councillor S Makamo to be put under members present.

4 ELECTIONS OF THE CHAIRPERSONS OF THE FOLLOWING SECTION 79 COMMITTEES:

The Speaker requested Council to note that the election of the Chairpersons of the Community Development, Environment, Infrastructure and Services and Gender, Youth and People with Disabilities Committees will be done in accordance with Rule 24 of the Standing Rules and Orders of Council.

In this instance also, 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.

COMMUNITY DEVELOPMENT

The Speaker indicated that she had received two nominations and the first one being the nomination for Councillor M Arnolds (AIC). The proposer is Councillor I Moosa (Aljama-ah), seconded by Councillor T Mhlongo (AIC). The form is duly signed and accepted by Councillor M Arnolds (AIC).

The second nomination is for Councillor N Sifumba (DA). The proposer is Councillor B Nkomo (DA), seconded by Councillor D Schay (DA). The form is duly signed and accepted by Council N Sifumba (DA).

Councillors I Moosa (Aljama-ah) and Councillor T Mhlongo (AIC) accordingly read out the nomination form, proposing and seconding the nomination of Councillor M Arnolds (AIC) for the position of the Chairperson of the Community Development Section 79 Committee.

Councillor M Arnolds (AIC) read out the nomination form, accepting the nomination for the position of the Chairperson of the Community Development Section 79 Committee.

The Speaker indicated that the nomination for Councillor N Sifumba falls off as the proposer, seconder and the nominee were not present. In the event that there is only one nomination, she declares the nominated Councillor elected. Therefore, Councillor M Arnolds is duly appointed Chairperson of the Community Development Section 79 Committee. The Speaker congratulated Councillor M Arnolds on the appointment.

ENVIRONMENT, INFRASTRUCTURE AND SERVICES

The Speaker indicated that she had received two nominations the first one being the nomination for Councillor I Moosa (Aljama-ah). The proposer is Councillor T Mhlongo (AIC), seconded by Councillor M Arnolds (AIC). The form is duly signed and accepted by Councillor I Moosa (Aljama-ah)

The second nomination is for Councillor M Sun (DA). The proposer is Councillor R Bittkau (DA), seconded by Councillor B Jacobs (DA). The form is duly signed and accepted by Council M Sun (DA).

Councillors T Mhlongo (AIC) and Councillor M Arnolds (AIC) accordingly read out the nomination form, proposing and seconding the nomination of Councillor I Moosa (Aljama-ah) for the position of the Chairperson of the Environment, Infrastructure and Services Section 79 Committee

Councillor I Moosa (Aljama-ah) read out the nomination form, accepting the nomination for the position of the Chairperson of the Environment, Infrastructure and Services Section 79 Committee.

The Speaker indicated that the nomination for Councillor M Sun falls off as the proposer, seconder and the nominee were not present. In the event that there is only one nomination, she declares the nominated Councillor elected. Therefore, Councillor I Moosa (Aljama-ah) is duly appointed Chairperson of the Environment, Infrastructure and Services Section 79 Committee. The Speaker congratulated Councillor I Moosa on the appointment.

GENDER, YOUTH AND PEOPLE WITH DISABILITIES (GEYODI)

The Speaker indicated that she had received two nominations the first one being the nomination for Councillor S Machethe (APC). The proposer is Councillor M Mpolobosho (AHC), seconded by Councillor I Moosa (Aljama-ah). The form is duly signed and accepted by Councillor S Machethe (APC).

The second nomination is for Councillor N Dellwaria (DA). The proposer is Councillor J Horwitz (DA), seconded by Councillor R Landis. The form is duly signed and accepted by Council N Dellwaria (DA).

The Speaker indicated that Councillor S Machethe (APC) was nominated on the incorrect nomination form, therefore the nomination was invalid.

Councillor M Mpolobosho (AHC) addressed Council and withdrew the nomination for the Councillor Machethe.

She said that the second nomination for Councillor N Dellwaria, both the seconder, proposer and the nominee were not present therefore the election of the Gender, Youth and People with Disabilities (GEYODI) is deferred to the next Council meeting.

5 RECOMMENDATIONS TO COUNCIL

MMC Masuku presented reports from the Executive and requested that Items 3 and 4 be elevated respectively.

The Chair of Chairs presented reports from the Legislature and requested that Item 15 be elevated.

Item 1 APPROVAL OF THE 2021/22 CITY OF JOHANNESBURG GROUP ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2022

This item was dealt with simultaneously with Item 2.

At this point, time being 13:02, the ActionSA caucus as requested to leave at 13:00 left the meeting. The Speaker requested Legal to count members that were present to determine quorum.

Legal confirmed that Councillors present were 136, therefore there was quorum.

RESOLVED

That the 2021/22 Integrated Annual Report of the City of Johannesburg, Citizens Report (Abridged version) and the Annual Reports of MEs be approved in Council in terms of Section 127(2) of the Municipal Finance Management Act.

(OFFICE OF THE CITY MANAGER)

Item 2 OVERSIGHT REPORT ON THE 2021/22 ANNUAL REPORT OF THE CITY OF JOHANNESBURG BY THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

RESOLVED

- 1 That Council approves, with reservations the 2021/22 annual report of the City of Johannesburg, together with the 2021/22 annual reports of the entities of the City of Johannesburg.
- 2 That Council approves the oversight report on the 2021/22 annual reports of the City of Johannesburg, noting the observations cited in the body of the report.

- 3 That the Council considers the content and recommendations of the section 79 portfolio committees oversight reports, which are attached as annexures to the oversight report.
- 4 That Group Governance provide a report detailing the strategies that will be implemented to ensure that the chairpersons of GAC, GRGS and GPAC present their inputs on 2022/23 annual report to Municipal Public Accounts Committee (MPAC) on time, considering the possibilities of new chairpersons being elected on February 2024 during AGM. A report must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 5 That Group Governance submit a proof that newly appointed board members and all directors and acting directors of all the entities are registered with the Companies and Intellectual Property Commission (CIPC), A report detailing proof of registration must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 6 That Legislature together with Office of the Executive Mayor provide a report detailing the preventative controls and commitment to the process that must be implemented to ensure that 2022/23 Annual Report is tabled in Council, within seven months after the end of the financial year (by 31 January 2024) in compliance with MFMA section 127(2). A report with a must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 7 That the Office of the City Manager together with Group Forensic Investigations Services (GFIS), Labour Relations and Group Corporate and Shared Services (GCSS) present a report in the In-Committee meeting of the Municipal Public Accounts Committee, on the process flow of Disciplinary matters and clear role classification of each department. A report and presentation must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 8 That Office of the City Manager together with Group Forensic Investigations Services (GFIS) submit a report and presentation detailing why some of the section 56 managers were investigated or disciplined without the council approval. A report and presentation must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 9 That Group Performance Audit Committee (GPAC), Group Audit Committee (GAC) and Group Risk Governance Committee (GRGC) through Group Governance ensure that all their quarterly reports are submitted to Municipal Public Committee (MPAC) at the end of each quarter. The quarterly reports for quarters one (1) to three (3) of the current financial year must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.

- 10 That Office of the City Manager together with Group Risk and Assurance Service (GRAS) organize a meeting with office of the Auditor General of South Africa (AGSA), National Treasury, COGTA and Municipal Public Accounts Committee, to discuss and find a way forward on the legislative requirements of how process of recoveries and write offs' of the Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFWE) for Municipal Entities should be conducted. The meeting must be conducted within 30 days of the adoption of this oversight report, in May 2023.
- 11 That Office of the City Manager together with Group Governance provide a progress report on the appointment of the disciplinary board members, and the finalisation of the standard Operating Procedures. A report must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 12 That Office of the City Manager together with Group Governance provide a report detailing why amendments that are not in line with the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings of 2014, were made to the terms of reference of the Disciplinary Board and submitted to council in May 2022. A report must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 13 That Group Finance through the Office of the City Manager provide a report detailing the initiatives to reduce the irregular expenditure incurred due to improper use of regulation 36 of Municipal Supply Chain Management Regulations. A report must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 14 That Group Governance submit all the signed and approved Service Delivery Agreements (SDA) in terms of Municipal Structures Act (MSA) 93B, every financial year within 30 days after approval. The SDA's for 2022/23 financial year must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 15 That Group Risk and Assurance Service (GRAS) together with Group Information, Communication & Technology (GICT) provide all the Business Continuity Plans that have been approved to date for entities and core departments, and a clear commitment on when is City likely to have 100% tested and approved Business continuity Plan. A report must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 16 That Group Strategy, Policy Coordination and Relations (GSPCR) assess the presentation made by South Africa Institute of Chartered Accountants (SAICA) during the roundtable session, and confirm if the recommendations and suggestions made are practical to improve reporting on both Citizens Version Report and Integrated annual report. The department must liaise SAICA if any assistance is required.

- 17 That Johannesburg Development Agency (JDA) provides reasons as to why the National Treasury withdrew the National Development Planning Grant (NDPG) for Jabulani Transit Oriented Development (TOD) project, and also indicate if the project was stopped or the City is funding it. A report must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 18 That Johannesburg Housing Company (JOSHCO) provide a report detailing if the management fees of 45% charged for student accommodation is market related. The report must also indicate how the property managing company was appointed, further indicate the term of contract and assessment of value for money. A report must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 19 That City Power submit a report indicating the actual figures and units relation to non-technical losses, illegal connections, bypassed meters, Poor Management of Meter Installations and Maintenance, Poor Data Capturing of Meter Readings, Overbilling on Bulk Purchases and Unmetered CoJ Buildings. Report must also include the overall turnaround strategy of the entity considering lost revenue due to load shedding and possibilities of customers going off Grid. A report must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 20 During the roundtable meeting with stakeholder it was stated that, Johannesburg Housing Company (JOSHCO) has listed a building called Casa Mia and that building was hijacked and is causing a significant strain on the surrounding community, it has become a crime hotspot. JOSHCO to submit a report to the committee responding to this concern by the stakeholders and legal steps taken. The report must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 21 That Group Finance, City Power and Joburg Water develop an effective reporting system to monitor and track meter readings, in order to comply with section 97(i) of the Municipal Financial Management Act. A report on the development of the system must be provided to the Section 79 Municipal Public Accounts Committee by June 2023.
- 22 That Group Finance submit a quarterly report of accounts for water and electricity billed on estimation beyond by law period. Report for quarter 3 must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 23 During the public participation meeting with stakeholders it was stated that the City Power Contractors and Officials are deliberately working after hours to get overtime. City Power to submit a report detailing the measures and controls in place to ensure that the contractors and officials do not deliberately work unnecessary overtime. A report must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.

- 24 That Johannesburg Property Company (JPC) submit a report detailing a list of all the buildings that the City is paying rent for, whilst they are not occupied. A report must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 25 That Johannesburg Property Company (JPC) submit a report detailing a list of all the buildings owned by Johannesburg Property Company (JPC), the report must include the annual rent collected on each building and the annual expenditure incurred for each building. A report must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 26 That Johannesburg Road Agency (JRA) together with Group Information, Communication & Technology (GICT) provide a report and presentation on why JRA procured SAP system while the system was procured by core to be used by the Group, presentation must include time frames when procurement process commenced for Core and JRA. A report must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 27 That Johannesburg Development Agency (JDA) provide a list of all projects that were initiated and were stopped before completion, a report must include the reasons why each project was stopped, expenditure and percentage of completion. A report must be submitted to Municipal Public Accounts Committee within 30 days of the adoption of this oversight report, in May 2023.
- 28 That the accounting officer, in accordance with section 21A of the Municipal Systems Act and section 129(3) of the Municipal Financial Management Act, make public this oversight report within seven days of its adoption by Council.
- 29 That the accounting officer, in accordance with the section 129(3)(b) of the Municipal Financial Management Act, submit this oversight report to the Gauteng Provincial Department of Cooperative Governance and Traditional Affairs (COGTA), the Gauteng Provincial Treasury and Auditor-General of South Africa within seven days of its adoption by Council.
- 30 That the accounting officer, in accordance with the section 132(1)(b) of the Municipal Financial Management Act, submit this oversight report to the Gauteng Provincial Legislature within seven days of its adoption by Council.

(COJ LEGISLATURE)
(T Mabogo)
(Cell. 083 702 8292)

Item 3 INFORMATION STATEMENT REPORT FOR
LOAN FUNDING WITH INTERNATIONAL
FINANCE CORPORATION (IFC) FOR
2022/23 FINANCIAL YEAR

Councillor Mosehla (EFF) raised a concern that there was an amendment to item 3 that was laid on the table and Councillors were not informed about it.

MMC Masuku apologised and stated that they were supposed to indicate when the recommendations were tabled about the replacement item. She explained that amendment was a correction on recommendation 4 that instead of the word "consider" they would use the word "notes" because there were both words on one sentence.

RESOLVED

- 1 That Council notes the information statement advert on the proposed IFC amortising loan with a 15-year maturity attached hereto as Annexure B.
- 2 That Council notes letters to both National Treasury and Provincial Treasury attached hereto as Annexure C.
- 3 That Council notes the draft agreement and the essential terms of the proposed IFC loan per the attached draft loan agreement attached hereto as Annexure D.
- 4 That Council notes the indicative total cost and the essential repayment terms of the proposed loan per the attached amortisation schedule attached hereto as Annexure E.

(GROUP FINANCE)

Item 4 SPECIAL ADJUSTMENT OF THE OPERATING
AND CAPITAL BUDGETS FOR THE 2022/23
FINANCIAL YEAR AS A RESULT OF NATIONAL
GOVERNMENT GRANT REVIEW

The Speaker said that the item was a budget item, therefore they needed to put it to a vote and ensure that they reach the 136 thresholds. The Speaker put the item to the vote and the results were as follows:

YES : 172
NO :0
ABSTAIN:0

Therefore, the item was carried.

RESOLVED

- 1 That the Adjustment Operating Revenue and Expenditure Budget for Core Administration and Municipal Entities as set out in Annexure A, B, C and D be approved.
- 2 That the Adjustment Capital Budget for 2022/23 amounting to R6 469 928 000 as set out in Annexure E and F be approved.
- 3 That the supporting information contained in the 2022/23 Adjusted Revenue and Expenditure Budget document as required in terms of Section 17(3) of the Municipal Finance Management Act (Act 56 of 2003) be considered in conjunction with this report.

(GROUP FINANCE)
 (Ntuthuzelo April)
 (Tel. (081) 352-9394)

Item 5 REQUEST FOR APPROVAL TO EXTEND THE
 MANAGEMENT AGREEMENT: CONTRACTS A261,
 A269, A270, A271 IN RESPECT OF STADIUM
 MANAGEMENT AGREEMENTS FOR FNB,
 DOBSONVILLE, ORLANDO AND RAND STADIUMS

RESOLVED

- 1 That Council notes the content of the report and that the requested amendment has been presented and recommended by the Executive Adjudication Committee (EAC), dated 09 June 2022, and recommended to the Accounting officer to grant approval for Community Development to publish notice of its intention to extend the period of the Stadium Management Agreement between the City and National Stadium South Africa Proprietary Limited ("The Agreement") in terms of Section 116 of the MFMA and request the local community to submit representations to the City in respect thereof.
- 2 That Council notes the outcome of the public participation in terms of Section 116(3)(b) of the MFMA in that there was neither comments nor objections attained.
- 3 That Council approves the extension of Stadium Management Agreement Contracts A261, A269, A270, A271 of South Africa (SMSA) in terms of Section 116(3) of the MFMA for a period of 9 years 11 months.
- 4 That the ED: Community Development upon tabling of this report in consultation with Group Legal and Contracts be authorized to sign the agreements for the extension of the Stadium Management Agreement Contracts A261, A269, A270, A271 of South Africa (SMSA) in terms of Section 116(3) of the MFMA for a period of 9 years 11 months.

(COMMUNITY DEVELOPMENT)
 (Mbulelo Bezu)
 (Sport and Recreation)

Item 6 CITY POWER FEEDBACK ON KELVIN PPA
EXTENSION PUBLIC PARTICIPATION PROCESS

RESOLVED

- 1 That Council notes the outcome of the public participation process;
- 2 That Council to note the contemplated amendment and or extension of the PPA between City Power and Kelvin, by a further period of 3 years to October 2026;
- 3 That Council mandates the City Power CEO and the City Manager to commence engagements with Kelvin for amendment and or the extension of the PPA; and
- 4 That Council mandates City Power CEO in consultation with the City Manager to conclude and sign the amended and or the extended PPA between City Power and Kelvin

(ENVIRONMENT, INFRASTRUCTURE & SERVICES DEPARTMENT)
(Meyrick Ramatlo)
(Executive Manager for Energy Management)
(Tel. (0)81 474 2629)

Item 7 ACQUISITION OF PRIVATELY-OWNED LAND
WITHIN THE SOUTHERN FARMS PRECINCT
FOR HOUSING DEVELOPMENT PURPOSES

With the consent of Council, the item was withdrawn.

WITHDRAWN

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)
(Musah Makhunga)
(Tel. (010) 219 9000)

Item 8 LEASE OF PORTIONS 3 AND 7 OF
ERF 14 RIVIERA, JOHANNESBURG

RESOLVED

- 1 That, in compliance with Section 14(2) of the Municipal Finance Management Act 56 of 2003 read with Regulation 34 and Council's Supply Chain Policy for Land (SCMPL) of the Municipal Finance Management Act, 2003 (Act No. 56 of 2003), Portions 3 and 7 of Erf 14 Riviera measuring approximately 2761m² are not required for the Municipality's own use for a minimum period of Twenty years with an option for Council to review the term of another 20 years in terms of the SCMPL of the City.

- 2 That, subject to the provisions of Section 79 (18) of the Local Government Ordinance 17 of 1939 as amended, Portions 3 and 7 of Erf 14 Riviera be currently leased subject to the following conditions;
- (1) That all environmental and related legislation and By-laws applicable to the Property shall be complied with.
 - (2) That all affected service of City Power are adhered to (viz MV and LV cables affected). The applicant takes responsibility of all cost involved in the following:
 - (a) The repair of the services affected should they be damaged by this proposal.
 - (b) Relocation of the services affected.
 - (c) Registers servitude to protect our services.
 - (d) City Power Johannesburg, its staff and vehicles are provided with 24 hours unrestricted access to our services.
 - (3) That all Housing conditions to be imposed are as follows:
 - (a) The property shall only be developed and rezoned for its intended purpose i.e. Presidential Library Heritage Foundation and ancillary uses.
 - (4) That, all Emergency Management Services By-laws be complied with and adhered to.
 - (5) That, access to emergency vehicles should be provided on the property.
 - (6) That, rezoning of the property will be permitted subject to the approval of the Provincial Heritage Council.
 - (7) That all access is to be located and constructed to the satisfaction of the Joburg Roads Agency.
 - (8) That all building lines should be retained.
 - (9) That the Council and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Services situated on the property.
 - (10) That all existing servitudes on the property shall be protected at the cost of the lessee.
 - (11) That the applicant shall be liable for the payment of all sewerage refuse removal fees levied or payable in respect of the site and for all electricity and water supplied to the site.
 - (12) That all administrative and incidental costs of the lease shall be for the applicant's account.

- (13) That the tenant shall ensure that there is no exclusivity on the property and that the property is only utilised for the intended purposes as authorised by the City i.e. Special Purpose – Presidential Library Heritage Site.
- 3 That, the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to these transactions in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation and that it shall be subject to such further conditions as the Chief Executive Officer (CEO): City of Joburg Property Company (SOC) Ltd, in consultation with the City's Group Legal, considers necessary to protect the Council's interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)
 (Rajan Ramkissoon)
 (Tel. (010) 219 9084)

- Item 9 UPDATE REPORT ON THE PROPOSAL TO DEAL WITH METRO CENTRE CHALLENGES AND REQUEST TO ENTER INTO LEASES WITH PRIVATE SECTOR FOR NEW OFFICE SPACE FOR VARIOUS CITY DEPARTMENTS RANGING FROM 5 YEARS TO 9 YEARS, 11 MONTHS

RESOLVED

- 1 That Council authorises the City Manager to close Metro Centre based on the Department of Employment & Labour (DEL) Notices and Engineers Report.
- 2 That Council gives approval to the City Manager to commence with the refurbishment of Metro Centre based on a most feasible funding model.
- 3 That Group Finance allocates budget for lease rentals for the additional space required for decanting Metro Centre.
- 4 That JPC commences with procurement of alternative office accommodation to decant Metro Centre.
- 5 That City Manager and JPC communicate with DEL on the plans of decanting Metro Centre and the refurbishment Plan.

VF+ DISSENT

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)

- Item 10 PUBLIC PARTICIPATION IN RESPECT OF PROPOSED DEVELOPMENT AND LONG-TERM LEASE OF ERVEN 1329 AND 1330 SUNDOWNER EXTENSION 61 (PREVIOUSLY KNOWN AS PORTION 1 OF HOLDING 108 BUSH HILL ESTATES)

RESOLVED

- 1 That since the fair market value of the asset to be leased exceeds R10 million , the Chief Executive Officer: City of Joburg Property Company be authorised to conduct a public participation process as envisaged in terms of regulation 35 the Asset Transfer Regulations (ATR) 2008, for the development and long term lease of Erven 1329 and 1330 Sundowner Ext 61;
- 2 That the above participation process be conducted in accordance with the provisions of the above regulations, including:
 - (1) invite the local community and other interested parties to submit comments or representations;
 - (2) solicit the view and recommendations of the National Treasury and the Provincial Treasury on the matter;
 - (3) Comply with Section 21 of the Systems Act by publishing the notification through the media, in a local newspaper(s) published in the area of jurisdiction of the COJ, in a newspaper(s) circulating in its area of jurisdiction and determined by the COJ as a newspaper of record, or by means of radio broadcasts covering the area of jurisdiction of the COJ;
- 3 That the Chief Executive Officer : City of Joburg Property Company submit a report within 60 days of the conclusion of the above public participation process, advising whether the capital asset is needed to provide a minimum level of basic municipal services, as well as the fair market value of the asset and the economic and community value to be received in exchange for the capital asset.

(CITY OF JOHANNESBURG PROPERTY COMPANY (SOC) LTD)

(Mpho Legodi)

(Tel. (010) 219 9000)

- Item 11 PUBLIC PARTICIPATION FOR THE PROPOSED EXTENSION OF THE LEASE AGREEMENT IN RESPECT OF ERF 1307 YEOVILLE (CONSOLIDATED ERVEN)

RESOLVED

- 1 That since the fair market value of the asset to be leased exceeds R10 million (lease), the Chief Executive Officer: City of Joburg Property Company be authorised to conduct a public participation process in terms of Regulation 34 (3) a and 35 of the Asset Transfer Regulations (ATR) 2008, for the extension of the Lease Agreement in respect of Erf 1307 Yeoville.

- 2 That the public participation process be conducted in accordance with the provisions of the above regulations, including:
 - (1) invite the local community and other interested parties to submit comments or representations;
 - (2) solicit the view and recommendations of the National Treasury and the Provincial Treasury on the matter;
 - (3) comply with Section 21 of the Systems Act by publishing the notification through the media, in a local newspaper(s) published in the area of jurisdiction of the COJ, in a newspaper(s) circulating in its area of jurisdiction and determined by the COJ as a newspaper of record, or by means of radio broadcasts covering the area of jurisdiction of the COJ;

- 3 The Chief Executive Officer: City of Joburg Property Company (SOC) Ltd submit a report within 60 days of the conclusion of the above public participation process, advising whether the capital asset is needed to provide a minimum level of basic municipal services as well as the fair market value of the asset and the economic and community value to be received in exchange for the capital asset.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)
 (Athi-Enkosi Duda)
 (Tel. (010) 219-9000)

Item 12 ACQUISITION OF ERVEN 28, 29, 30
 AND 1221 YEOVILLE FOR HOUSING
 DEVELOPMENT AND USE PURPOSES

RESOLVED

- 1 That in terms of Section 79 (24)(a)(i) of the Local Government Ordinance 17 of 1939 read with the Asset Transfer Regulations, 2008, and the Supply Chain Management Policy for Land (SCMPL) of the City Erven 28, 29, 30 and 1221 Yeoville ("the Properties") be acquired for housing development and use purposes, on a willing buyer-willing seller basis at not more than their market value to be determined by an independent valuer before the negotiation stage.
- 2 That all costs relating to and incidental to this acquisition will be borne by the Johannesburg Housing Department which confirmed budget availability under Vote Number WBS: 49-16004.350.0010.
- 3 That the Housing Department will be responsible for the upkeep, security and maintenance of the properties immediately upon registration of transfer.
- 4 That the Chief Executive Officer of the City of Joburg Property Company SOC Ltd, be authorised to negotiate the acquisition of the said properties with the owners, failing which to expropriate the properties in terms of the Local Government Ordinance and applicable legislation.

- 5 That the Chief Executive Officer of the City of Joburg Property Company SOC Ltd or her nominees be authorised to sign all documentation to give effect to this transaction in terms applicable legislation.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)
 (Lauretta Nkolele)
 (Tel. (010) 219-9000)

Item 13 LEASE OF ERF 842 TSHEPISONG
 TOWNSHIP FOR BUSINESS PURPOSES

RESOLVED

- 1 That in terms of Regulations 34(1)(b) and 36 of the Municipal Asset Transfer Regulation 2008, Erf 842 Tshepising measuring approximately 4587m² is not required for the Municipality's own use during the period the right to use, control or manage is granted.
- 2 That subject to the provisions of Section 79 (18) of the Local Government Ordinance, 17 of 1939 as amended, Erf 842 Tshepising measuring approximately 4587m², be leased at a rental amount not less than R5 067.00 (Five Thousand and Sixty Seven Rand) per month excluding VAT, escalating at 8% per annum, for a period of nine (9) years and eleven (11) months, subject to the following conditions:
 - (1) That all environmental and related legislation and By-laws applicable to the property shall be complied with.
 - (2) That all Emergency Management Services By-laws be complied with and adhered to.
 - (3) That access to emergency vehicles should be provided on the property.
 - (4) That the Council and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Servitudes situated on the property and that no structures will be allowed within these servitudes.
 - (5) That the applicant shall be liable for the payment of all sewerage, refuse removal fees levied or payable in respect of the site and for all municipal services including the payment of assessment rates as determined from time to time as per the Rating Ordinance.
 - (6) That all administrative and incidental costs of the lease shall be for the applicant's account.

- (7) That a deposit equal to one month's rental shall be paid by the applicant upon signature of the lease agreement. Such deposit shall be refundable if all rental amounts are paid up to date at the time of the expiry of the lease agreement or vacation of the property, subject to the property being returned in a clean and tidy condition.
- (8) That the applicant shall ensure that there is no exclusivity on the property and that the property is only utilised for the intended purpose as authorised by the City.
- (9) That the following conditions of City Power Johannesburg shall be complied with:
 - (a) The repair of the services affected should they be damaged by this proposal.
 - (b) Relocation of the services effected
 - (c) Registers servitude to protect City Power Johannesburg services.
 - (d) City Power Johannesburg its staff and vehicles are provided with 24 hours unrestricted access to our services.
- (10) That the following condition of the Department of Development Planning shall be complied with:
 - (a) That the proposed land use to fall within the parameters of the approved zoning.
- (11) That the following conditions of Johannesburg Roads Agency shall be complied with:
 - (a) Access to be located and constructed to the satisfaction of the JRA.
 - (b) Stormwater management is required to the satisfaction of the JRA.
 - (c) Parking to be provided on-site as per the relevant Town Planning Scheme. No parking will be allowed on the road reserve.
 - (d) It must be noted that the final approval of the parking ratio lies with CoJ Land Use Management.
 - (e) Prior to development, a Site Development Plan addressing parking, access and vehicle maneuvering space must be submitted to the council for approval.
- (12) That the following conditions of Transport Department shall be complied with
 - (a) That the land has been identified by the department as a potential Public Transport Facility (PTF) development in the future for the City of Johannesburg.
 - (b) Conflicts between vehicles and pedestrians can be minimised at the development access, through the provision of pedestrian gate.
 - (c) The use of the property shall ensure that 2m sidewalks are provided along the property frontages and shall be in accordance with the City of Johannesburg Complete Street Design Manual and shall comply

with universal access requirement to accommodate special needs passenger.

- (13) That the following requirement of Citizen Relationship and Urban Management: Region C shall be complied with:

The Region suggests that it would be prudent for Johannesburg Property Company (JPC) and Department of Economic Development (DED) to rather investigate feasibility of setting up Informal Trading Stalls or alienate the land for the purposes of uplifting the community.

- (14) That the lease of the successful bidder will be reviewed at three year intervals.

- 3 That the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation, and that it shall be subject to such further conditions as the Chief Executive Officer of the City Joburg Property Company (SOC) Ltd, in consultation with CoJ Group Legal, considers necessary to protect the Council interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)
(Debby Senatel)
(Tel. (010) 219 9105)

- Item 14 CHANGES IN MEMBERSHIP OF THE
VARIOUS SECTION 79 COMMITTEES

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 Leshalabe)
(Tel. (011) 407-6218)

- Item 15 2023/24 INTEGRATED DEVELOPMENT PLAN (IDP)
FOR PUBLIC CONSULTATION REVISED OUTREACH
SCHEDULE AND NEW DATES FOR STATE OF THE CITY
(SOCA) AND BUDGET PRESENTATION AND DEBATES

NOTED

(COJ LEGISLATURE)
(Yusuf Lachporia)
(Tel. (011) 407-6310)

Item 16 REPORT ON THE OUTCOMES OF THE INVESTIGATIONS INTO ALLEGED MISCONDUCT BY HOD: PUBLIC SAFETY IN THE PROCUREMENT OF HANDHELD DEVICES AND CCTV CAMERAS

Councillor Zitha (EFF) addressed Council recommending that Recommendations 1 and 2 be removed and further recommended that Recommendation 3 to be amended to read as thus:

“Authorize the City Manager to negotiate with Mr Msimang to agree on a mutual termination of the fixed term contract with the City”.

Councillor de Lange (VF+) addressed Council stating that if Mr Msimang did the same thing in the private sector, he would have been fired. He asked why consequence management is not implemented when officials are not fulfilling their duties. He said that the city could not keep on rewarding officials for bad behaviour.

He stated that even though Mr Msimang acted under the delegated authority, the VF+ does not support the item. He said that if Mr Msimang is redeployed, the City would not be able to hold the officials that were not doing things appropriately especially in supply chain accountable.

MMC Masuku (ANC) noted the inputs raised by Councillors. She said that the affected official acknowledged the fact that he signed above his delegations and that there was no bribery nor loss of money and there was no premeditated malicious intent.

She stated that the recommendations are clear that they are asking the City Manager to take corrective action as well so that officials do not make the same errors in the process of ensuring that there are good governance practices in the City of Johannesburg. She said that City Manager within the confines of the law, will know what kind of corrective action to take, be capacity training and so forth, in line with what administration would do. She further said that consequence management was implemented through the hearing, and they were empowering the City Manager as recommended. The City Manager will be empowered to have the opportunity to make different options and engage with the affected official so that then the outcome will be what is best for the city.

MMC Masuku said that the recommendation by Councillor Zitha included in the report saying that there can be a discussion of mutual separation.

The Speaker put the items to vote, and the results were as follows:

YES: 124

NO: 8

ABSTAIN: 6

Therefore, the item was carried.

RESOLVED

IT IS RECOMMENDED THAT THE MUNICIPAL COUNCIL:

- 1 Notes the outcomes of the investigation undertaken in relation to Mr Hlula Msimang, the Head of Department for Public Safety.
- 2 Authorises the City Manager to institute corrective action against the Head of Department Public Safety, Mr Hlula Msimang, for signing the SLA with the MTC beyond his Delegations of Authority.
- 3 Authorise the City Manager to negotiate with Mr Msimang to either be allowed to return to work in an alternative available position within the City or any of its Municipal Entities, as the investigations have been concluded and that there is no further rationale for him to remain off work and/or to agree on mutual termination of the fixed term contract with the City.

(OFFICE OF THE CITY MANAGER)

(Thanduxolo Mendrew)
(Acting Group Head: Legal
and Contracts)
(Tel. (011) 407-7373)

Item 17 RE-APPOINTMENT OF MUNICIPAL
ELECTORAL OFFICER FOR NATIONAL
AND PROVINCIAL ELECTIONS

RESOLVED

- 1 That Council notes and supports the re-appointment by the Provincial Electoral Commission:

The City Manager Mr. Floyd Brink as the Johannesburg Municipal Electoral Officer (MEO).

- 2 That Council notes and confirm that Mr. Abel Manthoko and Ms. Irene Mafuna are the current Deputy Municipal Electoral Officers (DMEO) per the previous appointment and support of Council.

(PRIVATE OFFICE OF THE EXECUTIVE MAYOR)

(TSUMBO NEPHAWE)
(Chief of Staff)
(Tel. (011) 407-7375)

6 ANNOUNCEMENTS

None.

7 CLOSURE

THE MEETING ADJOURNED AT 14:49.



.....
SPEAKER OF COUNCIL

05/09/23

.....
DATE