



**MINUTES OF THE 13<sup>TH</sup> ORDINARY MEETING OF THE CITY OF JOHANNESBURG MUNICIPALITY HELD ON WEDNESDAY, 21 JUNE 2023, AT 10:00 AT THE CONSTANCE CONNY BAPELA COUNCIL CHAMBER, METROPOLITAN CENTRE, BRAAMFONTEIN.**

**A G E N D A**

- 1 OPENING AND ACKNOWLEDGEMENTS BY THE SPEAKER**
- 2 APPLICATIONS FOR LEAVE OF ABSENCE**
- 3 ELECTION OF THE CHAIRPERSON OF THE SECTION 79 GENDER, YOUTH & PEOPLE WITH DISABILITIES (GEYODI) COMMITTEE IN TERMS OF RULE 24 OF THE STANDING RULES AND ORDERS OF COUNCIL**
- 4 RECOMMENDATIONS TO COUNCIL**
- 5 ANNOUNCEMENTS & CLOSURE BY THE SPEAKER**

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

Marema, V A	Mpolobosho, M M
Marumo, T	Mposula, T
Mashala, K	Mpotulo, G S
Mashinini, S	Mthembu, M N
Masoga, L M	Mulelu, M
Masuku, L	Munyayi, V E
Maswazi, R	Mutavhatsindi, N T
Matabane, O	Nair, R K
Mathe, G	Ndlela, M C
Mathe, Z E	Ndou, N L
Mavhona, L S	Ndou, P
Mazibuko, A L	Ndzondo, C M
Mazibuko, N	Nefdt, P W
Mazibukwana, M	Nethamba, R
Meyers, T	Ngema, S V
Mgaga, B	Ngobeni, L M
Mgcina, S E	Ngobeni, R F
Mhlari, T M	Ngoepe, C S
Mhlongo, T A	Nguse, S
Mkasi, G	Ngwenya, F N
Mkhize, T	Ngwenya, J A
Mkhonto, M S	Niemand, G J
Mkhonza, N F	Nkokou, T P
Mmbengwa, M N	Nkomo, B
Mmota, L	Nkomo, E T
Mngadi, W B	Nkomo, P T
Mnisi, N D	Nkubungu, L
Mnyameni, M	Nkwanyana, P B
Moatshe, K	Nofemela, N
Modladlaba, D S	Nonkumbi, I M
Modukanene, L C	Nontenja, C T
Modupi, D N	Ntombela, M J
Moepi, N J D	Ntshidi, T E
Moeti, O T	Nyembe, M M
Mofokeng, J	Nyembe, Z P
Mofokeng, M P	Papo, M M
Mohlala, C	Pelzer, R
Mokoari, Z	Phalatse, M
Mokoena, G	Phometsi, P S
Mokoka, M L	Pietersen, J
Mokwena, T M	Pietersen, N
Molefe, M	Ponsonby, D A
Molefe, S B	Radebe, N P
Molise, L D	Radebe, T T
Moloisane, D	Rahn, N J
More, E	Raholane, M W
Mothopi, O Z	Rakosa, P M
Mphaho, M A	Ramaru, G
Mphahlele, M	Rambani, N S

Raphadu, A T	Sun, Y H
Raseruthe, S H	Supe, N P
Reddy, V M	Tabane, M C
Reinten, I M	Tambani, P S
Roberts, F C	Tefu, P V
Rohlssen, C K	Telekoa, A T
Santana, C G	Tembe, D S
Schay, D	Truluck, T F
Seema, S M	Tshawaku, M
Seerane, M K	Tshedo, J G
Sekhu, M V	Tshehlo, G J
Sekwaila, B J	Tsotetsi, L Y M
Sesedinyane, M I	Twala, Y A
Shackleford, L M	Van der Merwe, M
Shange, P A	Van Dyk, N J
Sherman, G J	Van Wyk, W M
Shumba, K A	Wax, K P
Simelane, P	Williams, M C
Simelane, S O	Wilskut, D
Sindani, F P	Xuma, L
Sobey, A	Zazini, A
Steenkamp, D	Zitha, S L
Stewart, A J	Zondo, L T
Suddaby, J	Zungu, N G
Sun, Y H	Zwane, S
Supe, N P	

## 1 OPENING

*The Speaker welcomed the Executive Mayor, Councillor Kabelo Gwamanda; Whip of Council, Councillor Zungu; Chair of Chairs, Councillor Phillips; the Chairpersons of Section 79 Committees; Members of the Mayoral Committee; all political party Leaders and Whips; fellow Councillors; City Manager, Mr Floyd Brink; Acting Secretary to Council, Mr Andile Gobinca; members of the Media; residents of the City of Johannesburg; ladies and gentlemen, and all the residents following us online on all our social media platforms, and to our distinguished guests; Honourable Mfikoe, from the Gauteng Provincial Legislature; the President of APC, Mr Godi and the Deputy Secretary General of APC, Ms Philekile; the Regional Secretary of the ANC, Mr Sasabona Manganyi; prophetess Mihloti\*, from the Word of faith Ministry to the 13<sup>th</sup> Ordinary meeting of the City of Johannesburg municipality.*

*The Speaker asked that Protocol be approached should there be any names she did not mention.*

The Speaker further addressed Council as follows:

*"I would like to thank the Executive Mayor; the MMCs and the City of Johannesburg officials who assisted in commemorating the Youth Day, in the last week's event as we*

*paid tribute to the brave youth of 1976, at the Hector Pietersen Memorial. We thank you for the successful session that was held. We would also like to wish all the fathers a belated happy Father's Day; we trust that your day was special. I would also like to remind Councillors and those that are not aware, that there is an Autism Awareness session that is taking place on Friday, through online platform. Kindly check our website and Group Comms will also assist, we would like for many Councillors as possible to be aware of this session so that we are able to assist our communities, especially those that are living with this condition.*

*Councillors, also be aware that the junior Council will be hosting the PAN African Schools debate. The Championship will be held here in the City of Johannesburg, we shall inform you of the venues and we are expecting teams that will include Zimbabwe, Eswatini, Tanzania, Nigeria, Uganda and Kenya, let us support our junior Council as they debate with the rest of the students from different countries in our continent."*

*The Speaker thereafter asked Council to note that the Executive presented a report at the Programming Committee, Item 17, and will be considered during the In-Committee. She further asked Council to note that Executive had requested, in terms of Rule 64, that 2 Urgent Reports be added to the agenda and confirmed that she had acceded to the request and those reports are Item 18 and 19. She added that the 3 reports will be distributed to the Councillors during the meeting. She thereafter asked Legal to confirm the number of Councillors present in the House and asked that Council grant them 5 minutes to do.*

*Councillor Christians A (DA) addressed Council and thanked the Speaker for the Father's Day well wishes message. He asked about the headphones that were given to Councillors when they signed the register, and asked if they were from the Legislature, and that in terms of the Code of Conduct of Councillors, they needed to declare them. He thereafter referred Council to Rule 51 and 57, and said that the Democratic Alliance wanted to note that at 10:21, the Acting Secretary to Council announced the opening of the meeting by announcing that the meeting would be starting at 10:00 and according to the time, it was 10:21 and the Speaker started speaking at 10:23. He asked that Legal should advice on that because checking of quorum should have been done at 10:00 not at 10:23.*

*The Speaker in her response said that Councillor Christians should adjust his watch to match theirs because according to their watches Council was on time.*

*She thereafter confirmed 150 Councillors were confirmed while others were still signing the register and requested all Councillors to make sure they had signed the register and Council will be updated as Councillors continue sign.*

## 2 APPLICATIONS FOR LEAVE OF ABSENCE

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

<i>Councillor Phillips L</i>	:	<i>Illness</i>
<i>Councillor Mogapi T A</i>	:	<i>Private Business</i>
<i>Councillor Makhafole E</i>	:	<i>Private Business</i>
<i>Councillor Mosehla K J</i>	:	<i>Private Business</i>
<i>Councillor Nhlapo C P</i>	:	<i>Private Business</i>
<i>Councillor Molefe E W</i>	:	<i>Private Business</i>
<i>Councillor Dladla D</i>	:	<i>Private Business</i>
<i>Councillor Ntoele N L</i>	:	<i>Private Business</i>
<i>Councillor Nenemba T</i>	:	<i>Private Business</i>
<i>Councillor Ndou P</i>	:	<i>Private Business</i>
<i>Councillor Nkosi R A</i>	:	<i>Private Business</i>
<i>Councillor Smit P</i>	:	<i>Illness</i>
<i>Councillor Morero S E</i>	:	<i>Private Business</i>
<i>Councillor Lobi M</i>	:	<i>Illness</i>
<i>Councillor Nzimande C</i>	:	<i>Private Business</i>
<i>Councillor Dammie B H</i>	:	<i>Illness</i>
<i>Councillor Ramafikeng D J</i>	:	<i>Illness</i>
<i>Councillor Steer B</i>	:	<i>Illness</i>
<i>Councillor Mphefo L M P</i>	:	<i>Illness</i>
<i>Councillor Sifumba N</i>	:	<i>Illness</i>
<i>Councillor Rafferty P D</i>	:	<i>Illness</i>
<i>Councillor van der Schyf C</i>	:	<i>Private Business</i>
<i>Councillor Mohlala P K</i>	:	<i>Private Business</i>
<i>Councillor Durand G</i>	:	<i>Private Business</i>
<i>Councillor Gantso L</i>	:	<i>Private Business</i>
<i>Councillor Wissler S T J</i>	:	<i>Private Business</i>
<i>Councillor Coverdale D L T</i>	:	<i>Private Business</i>
<i>Councillor Liebenberg E</i>	:	<i>Illness</i>
<i>Councillor Mchunu A</i>	:	<i>Private Business</i>

The following Councillors requested to arrive late:

*Councillor Raphadu T A*  
*Councillor Sindane F P*  
*Councillor Kreusch S*  
*Councillor Reddy V M*  
*Councillor Fin C E*  
*Councillor Roberts F C*  
*Councillor Nkomo P T*  
*Councillor Johnson N*

*The following Councillors requested to leave early:*

*Councillor Ponsonby D A  
Councillor Kaldine J  
Councillor Tembe D  
Councillor Boer C  
Mkhonza N F*

*Councillor de Lange F (VF+) in his address said that he wanted to verify if the Speaker's office had received the leave of absence submitted by him. He said that he usually sends correspondence to Ms J Moremi, Ms P Mokoena and Mr M Masipa and wanted to verify since that was the process to be followed, if the Speaker had received their submissions.*

*The Speaker in her response said that she would check on that process and that the LOA was noted.*

### **3 OFFICIAL NOTICES**

*The Speaker congratulated the following Councillors who celebrate their birthday in the month of June.*

*Councillor Amad T  
Councillor Arnolds M  
Councillor Brand D  
Councillor Fourie-Shawe C  
Councillor Ismail-Moosa I  
Councillor Khanyile N  
Councillor Maake M  
Councillor Mashala K  
Councillor Mashinini S  
Councillor Mavhona L  
Councillor Mazibukwana M  
Councillor Mngadi W  
Councillor Modladlaba D  
Councillor Mokwena T  
Councillor Mthembu M  
Councillor Mulelu M  
Councillor Mutavhatsindi N  
Councillor Raphadu TA  
Councillor Raseruthe S  
Councillor Santana C  
Councillor Schay D  
Councillor Steer B  
Councillor Suddaby J  
Councillor Telekoa A  
Councillor Tshwaku M  
Councillor Xuma L*

*The Speaker confirmed 196 Councillor signed the register and the number will be updated as and when Councillors sign the register.*

#### **4 ELECTION OF THE CHAIRPERSON OF THE SECTION 79 GENDER, YOUTH & PEOPLE WITH DISABILITIES (GEYODI) COMMITTEE IN TERMS OF RULE 24 OF THE STANDING RULES AND ORDERS OF COUNCIL**

*The Speaker requested Council to note that the Election of the Chairperson of the Section 79 GEYODI committee, 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 said position.*

*She further stated that she had received two nominations, and such were from Councillor Huggett E (DA), seconded by Councillor Avant-Smith C (DA), nominating Councillor Dellwaria N (DA); the second nomination from Councillor Mpolobosho M (AHC), seconded by Councillor Ismail-Moosa I (Al Jama-Ah), nominating Councillor Machete S (APC). She indicated that the forms were correctly filled and accordingly signed by the proposers, seconders and nominees.*

*Time being 10:41 Councillor de Lange F (VF+) requested a 30-minute caucus break. The Speaker acceded to the request and requested Councillors to be back in Council at 11:10.*

*Council resumed at 11:28 and the Speaker asked Legal to assist and verify the quorum.*

*Councillor Arnolds M (AIC) on behalf of the minority governing parties requested a 15-minute caucus break. The Speaker acceded to the request and asked that all Councillors be back in Council at 11:55.*

##### **(1) CHAIRPERSON: GEYODI COMMITTEE**

*Councillors Huggett and Avant-Smith accordingly read out the nomination form, proposing and seconding the nomination of Councillor Dellwaria for the position of the Chairperson of the GEYODI Committee.*

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

*Councillors Mpolobosho accordingly read out the nomination form.*

*Councillor Arnolds M (AIC) in her address said that Councillor Ismail-Moosa had submitted Leave of Absence and was not in the Chamber. She asked if the Standing Rules and Orders of Council were specific that both the proposer and the seconder needed to be present during the nomination stage?*

*The Speaker in her response said that the absence of Councillor Ismail-Moosa invalidated the nomination of Councillor Machete and further said that the nomination was withdrawn on that basis.*

*Councillor Masuku L (ANC) asked the Speaker to refer Council to a Rule in the Standing Rules and Orders of Council that stated that both the proposer and seconder had to be present in the Chamber. She further referred Council to Rule 24(2)(3):*

- (2) Political parties may submit nominations to the Speaker at any time before the next scheduled Council meeting.*
- (3) The Speaker must announce the received nominations and proceed to preside over the appointment and/or election and appointment of chairpersons*

*Councillor Arnolds M (AIC) said that the nomination form was signed by both the proposer and the seconder, and that the forms were confirmed by the Speaker as fully completed and duly signed. She further said that Councillor Ismail-Moosa submitted an apology for the day and that the Speaker should have notified Council that the nomination form was no longer valid because the seconder had submitted Leave of Absence.*

*Councillor Christians A (DA) in his address said that Rule 24(3) of the Standing Rules and Orders of Council says the Speaker must announce received nominations, which the Speaker did. He further referred Council to Rule 72A, which stated that "A ruling of the Presiding Officer shall be final and binding and shall not be debated". He added that the Speaker must close the debate and if any Councillor challenged the ruling of the Speaker, they must refer it to the Rules Committee.*

*The Speaker referred Council to Rule 6 of the Standing Rules and Orders of Council and said that this was an established practice when conducting elections through nominations:*

- 6(1) The Presiding Officer must give a ruling -*
  - (a) whenever a question arises about the interpretation or application of a Rule; and*
  - (b) in cases not provided for in these Rules.*
- (2) When the Presiding Officer gives a ruling, she or he must consider best practice and be guided by -*
  - (a) previous rulings; and*
  - (b) the established practices of the Council.*

*She thereafter said that the established practices of Council were that the proposer and the seconder must be present to read out their nomination and the acceptance of the nomination must be read out in Council.*

*The Speaker further said that there was effectively one nomination received for Councillor Dellwaria, which was read out and accepted accordingly, she thereafter declared her as a duly nominated chairperson of the GEYODI Committee.*

*Councillor Mphahlele M (EFF) in his address said that since Council was speaking of precedence, he wanted to add that Councillor Phalatse M (DA) came to Council escorted by JMPD officers who were carrying her bags. He added that the matter was serious because Councillor Phalatse was no longer the Executive Mayor of the City of Johannesburg and if Council was speaking of precedence, it then meant that the JMPD officers must carry all Councillors bags to the Chamber. He asked the Speaker to rule on the matter because Councillor Phalatse was an ordinary Councillor.*

#### **4 RECOMMENDATIONS TO COUNCIL**

*The Executive Mayor tabled the reports of the Executive and the Recommendations thereto.*

*MMC Masuku requested to withdraw Items 1 – 9. She further requested that Items 12 and 19 which are the Urgent Report, be dealt with during the In-Committee because of the POPI Act and added that Annexures attached to the reports disclosed the candidate's information.*

*Councillor Knott L (DA) in her address said that Item 19 and its supporting documents were already uploaded on the link, tabling it during the In-Committee was redundant. She further asked that MMC Masuku provide the Council with COGTA directives in terms of the POPI Act as well as previous directives received from HR and National with regards to uploading these documents with permission from the candidates.*

*MMC Masuku in her response said that the Executive considered the POPI Act and wanted to comply with it. She added that the reports were uploaded on the link because it was Council practice prior to the effect of the POPI Act. She further said that the Executive had no problem with continuing with that practice but recorded that the Executive attempted to comply with the Act.*

*Councillor Maila S (DA) on behalf of the Chair of Chairs tabled the reports of the Legislature.*

Item 1      PROPOSED LEASE OF A PORTION OF  
ERF 671 COSMO CITY

*With the consent of the Council, the item was withdrawn.*

WITHDRAWN

- Item 2 PROPOSED LONG TERM LEASE OF ERF 13116  
IVORY PARK EXTENSION 12 FOR BUSINESS PURPOSES

*With the consent of the Council, the item was withdrawn.*

WITHDRAWN

- Item 3 ACQUISITION OF ERVEN 87 AND 88 BEREA  
FOR HOUSING DEVELOPMENT AND USE PURPOSES

*With the consent of the Council, the item was withdrawn.*

WITHDRAWN

- Item 4 PROPOSED LONG TERM LEASE AND  
DEVELOPMENT OF ERF 9467 & 9468  
STRETFORD EXT 6 TOWNSHIP FOR  
COMMUNITY PURPOSES

*With the consent of the Council, the item was withdrawn.*

WITHDRAWN

- Item 5 PROPOSED LEASE OF ERF 4825  
TSHEPISONG TOWNSHIP

*With the consent of the Council, the item was withdrawn.*

WITHDRAWN

- Item 6 PROPOSED LEASE OF ERF 163 ROODEPOORT  
NORTH FOR COMMUNITY PURPOSES

*With the consent of the Council, the item was withdrawn.*

WITHDRAWN

- Item 7 PROPOSED SALE OF A PORTION  
ADJACENT TO ERF 125 OAKDENE  
EXTENSION 1

*With the consent of the Council, the item was withdrawn.*

WITHDRAWN

- Item 8 LEASE OF ERF 3822 IVORY PARK  
EXTENSION 6 FOR COMMUNITY  
FACILITY DEVELOPMENT PURPOSES

*With the consent of the Council, the item was withdrawn.*

WITHDRAWN

- Item 9 LEASE OF COMMERCIAL TRAIN SHOPS  
SITUATED ON ERF 1048 AND 1068 FORDSBURG

WITHDRAWN

- 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)

WITHDRAWN

- Item 11 COMMENCEMENT OF RECRUITMENT AND  
SELECTION PROCESS FOR FOUR (4) SENIOR  
MANAGEMENT POSITIONS

RESOLVED

- 1 That the contents of this report be noted.
- 2 That the following positions be advertised:
  - (1) Group Head: Group Risk and Assurance Services;
  - (2) Head of Department: Public Safety;
  - (3) Executive Director: Transport; and
  - (4) Secretary to Council.
- 3 That the selection panels' composition be approved as reflected in the table below.

No.	Position	Composition of Selection Panel
1.	GH: GRAS	a. Chairperson: City Manager (CM). b. One Councillor designated by the Municipal Council (preferably the mayoral committee member or relevant portfolio head ) c. An external expert as designated by the CM.
2.	HoD: Public Safety	a. Chairperson: CM. b. One Councillor designated by the Municipal

No.	Position	Composition of Selection Panel
		Council (preferably the mayoral committee member or relevant portfolio head ) c. An external expert as designated by the CM.
3.	ED: Transport	a. Chairperson: CM. b. One Councillor designated by the Municipal Council (preferably the mayoral committee member or relevant portfolio head ) c. An external expert as designated by the CM.
4.	Secretary to Council	a. Chairperson: CM. b. One Councillor designated by the Municipal Council (preferably the mayoral committee member or relevant portfolio head ) c. An external expert as designated by the CM.

(OFFICE OF THE CITY MANAGER)  
(GROUP CORPORATE AND SHARED SERVICES)  
(Group Head: Group Human Capital Management)  
(Anele Kwababa)

Item 12 RECRUITMENT PROCESS AND APPOINTMENT  
OF THE GROUP CHIEF FINANCIAL OFFICER IN  
ACCORDANCE WITH THE REGULATIONS ON  
THE APPOINTMENT AND CONDITIONS OF  
EMPLOYMENT FOR SENIOR MANAGERS

*The item was dealt with during the In-Committee.*

**RESOLVED**

- 1 That the content of this report and its annexure be noted.
- 2 That in compliance with Chapter 3 of the 2007 Municipal Regulations on Competency Levels, and Regulation 9 (2), 13 (1) (b) and 15 (4) of the Regulations on Appointment and Conditions of Employment of Senior Managers, the appointment be made as follows:
  - (1) Mr. Tebogo Moraka be appointed as the Group Chief Financial Officer in the City of Johannesburg, on a permanent contract with effect from 01 July 2023 or as soon as possible thereafter.
  - (2) 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. Tebogo Moraka.
  - (3) The position be readvertised in the event that the first ranked candidate does not accept the offer of appointment or be disqualified for any valid reason(s).

- 3 That the appointment of the candidate is subject to the following:
- (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
- 4 That the City Manager be authorised to report the recruitment process to the Department of Cooperative Governance in accordance with Regulation 17 (3) and (4) of the Regulations on Appointment and Conditions of Employment of Senior Managers.

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

Item 13 REPORT OF THE SECTION 79 EIS COMMITTEE  
 ON PUBLIC PARTICIPATION PROCESSES  
 CONDUCTED ON DRAFT WATER SERVICES  
 BY-LAWS

RESOLVED

- 1 That Council approve the draft Water Services By-Laws with the necessary and recommended amendments, noting input from members of the public as highlighted above, in terms of Rule 142(2) of the Standing Rules and Orders of Council: 2016.
- 2 That the changes to the draft Water Services By-Laws are highlighted in the opening Section 6 of this report and pertain to chapters 3 and 10, specifically the prohibition of water services other than through Council and grey water re-use. Once the Environment and Infrastructure Services Department has given input — the changes are to be affected before the tabling of this report in Council.
- 3 That Council require the Environment and Infrastructure Services Department to cause the publication of the approved by-laws in the Provincial Gazette in terms of the provisions of Rule 145 of the Standing Rules and Orders of Council: 2016.

(COJ LEGISLATURE)  
 (Mamokgethi Molopyane)  
 (Tel. (011) 407-7463)

- Item 14 REPORT OF THE SECTION 79 EIS COMMITTEE  
ON PUBLIC PARTICIPATION PROCESSES  
CONDUCTED ON DRAFT ELECTRICITY  
BY-LAWS

## RESOLVED

- 1 That Council approves the draft Electricity by-laws, in terms of Rule 142(2) of the Standing Rules and Orders of Council: 2016.
- 2 That Council require the Environment and Infrastructure Services Department cause the publication of the approved by-laws in the Provincial Gazette in terms of the provisions of Rule 145 of the Standing Rules and Orders of Council: 2016.

(COJ LEGISLATURE)  
(Mamokgethi Molopyane)  
(Tel. (011) 407-7463)

- Item 15 CHANGES IN MEMBERSHIP OF THE  
VARIOUS SECTION 79 COMMITTEES

*The Whip of Council in his address said that his office had received last minute changes to the report and asked the Speaker to allow Whips of political parties to present the changes in Council.*

*Councillor Mokoena G presented changes made by the EFF as follows:*

**GEYODI**

*Councillor Mphahlele M - OUT  
Councillor Raholane W - IN*

**EISD**

*Councillor Moepi D - IN  
Councillor Tsheddo - OUT*

*Councillor Raphadu TA presented changes made by the ANC as follows:*

**Development Planning**

*Councillor Mmbengwa - IN  
Councillor Zama A - OUT*

**Economic Development**

*Councillor Mulelo - IN (full time)  
Councillor Lebea - OUT (alternate)*

**Finance**

*Councillor Buthelezi TP - IN*

**MPAC**

*Councillor Lobi - IN*  
*Councillor Mnyament - IN*  
*Councillor Ramafikeng - OUT*

*OCOL*  
*Councillor Moeti - IN (full time)*  
*Councillor Lobi - IN (alternate)*

*Transport*  
*Councillor Tefu V - IN*

*Governance*  
*Councillor Tefu V - IN (alternate)*

*Councillor Coutriers M presented the changes made by ActionSA as follows:*

*Economic Development*  
*Councillor Matabane M - IN (alternate)*  
*Councillor Mbundu N - OUT*  
*Public Safety*  
*Councillor Moatshe K - IN (alternate)*  
*Councillor Tembe D - OUT*  
*Councillor Mabelebele S - IN (full time)*

*Governance*  
*Councillor Tembe D - IN*  
*Councillor Liebenberg E - OUT*

*Ethics and Disciplinary*  
*Councillor Mabelebele S - OUT*  
*Councillor Coutriers M - IN*

## RESOLVED

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

(COJ LEGISLATURE – OFFICE OF THE WHIP OF COUNCIL)  
 (M Leshalabe)  
 (Tel. (011) 407-6218)

Item 16 YEAR PLANNER/ SCHEDULE OF MEETINGS  
 OF THE CITY OF JOHANNESBURG COUNCIL  
 AND COMMITTEES: JULY 2023 TO JUNE 2024

*Councillor Arnolds M (AIC) proposed that Council meetings should not be convened monthly so that Oversight Committees are allowed space to carry out their duties effectively, as currently, it was not possible due to a lot of Council meetings. She added that several Committee meetings had to be cancelled because of the convened*

*Extra-Ordinary Council meetings. She further added that according to the Municipal Structures Act 117 of 1998, Section 18(2), required municipal Councils to meet at least once every quarter.*

*On behalf of the AIC, she proposed that Council meetings scheduled for August, October, December 2023, February, and April 2024 be removed from the Calendar. She added that if there was a reason or urgent legislated reports from the Executive that needed to be considered, the Speaker was empowered by the Standing Rules and Orders of Council to convene a meeting. They further proposed that the Oral Questions and the Executive Mayor's Question Time be scheduled according to the Year Planner. She concluded the proposal was seconded by Councillor Mhlongo TA (AIC).*

*Councillor Knott L (DA) in her address said that the normal process of drafting and approving a Council calendar involved extensive deliberations across various political parties and 17 portfolios, at least a month prior to tabling it at Council. She said that allowed for any clashes and or issues to be ironed out in advance, but unfortunately, that did not happen with the current Calendar. She added that the Calendar was uploaded on the day of the Programming Committee meeting, and it was sent to Councillors on 19 June 2023, which was very little time to deliberate on issues. She further said that Whip of Council, Councillor Zungu had engaged the Whips, even though the Calendar was only sent to them 11 minutes after the meeting had started and added that they had seen an increase in engagements, and they thanked Whippery for that. She thereafter said that it was not acceptable from the side of the officials, Councillors, or any political parties to be excluded from meetings or engagements on issues such as this one and she would caution against that happening in the future.*

*Councillor Knott (DA) said that they identified the Council meeting of 13 and 14 June 2024 as an issue because it clashed with the Jewish Festival which concludes on the evening of 13 June. She added that they had written to the Speaker's office to advise that there will be Councillors who will be affected by this, and the dates needed to be reviewed to accommodate everyone's religious beliefs. She further added that they wanted to express their appreciation because their request was attended to following a discussion, they had with Ms J Moremi. She thereafter said that they had a concern about how the current approved annual calendar had been discarded to date, as well as how Council had been run over the past several months, making it impossible for Councillors to plan and properly interrogate reports to perform their mandated oversight. She added that it may possibly be the plan of the current unglued coalition to distract them with meetings in the hope that they will not see what was truly happening. She further added to the sentiments shared by Councillor Arnolds, by stating that the National Legislation required Council to meet at least once quarterly and not several times in a month. She added that most Councillors, apart from the leadership, are part-time Councillors and that the Executive's failure to plan was not their emergency, and it was not the residents' financial burden. She thereafter said that if the Council continued along the road of multiple unplanned meetings every month, Councillors would be within their rights to claim reimbursement of additional costs from the Legislature.*

*She further said that she wanted to paint a picture of the consequences of the bad planning on the side of the Executive and their non-adherence to the Council-approved calendar. She added that in the last 10 months; there were 20 Council meetings, 11 had been unplanned Extra-Ordinary meetings, at a cost to residents from a minimum of R400 000 per Council meeting. From October 2022 – May 2023, Section 79 Committee meetings were postponed or cancelled, with several committees not having a single sitting during that time. She further added that MPAC, the only Nationally legislated mandatory oversight committee in the City, did not sit for close to 5 months. Because the Chair of Chairs refused to allow for the election of an acting Chair, legally allowed in terms of our Standing Rules and Orders of Council and in terms of precedence, while simultaneously delaying the election of a permanent Chair to the detriment of the City's finances. She added this was a gross violation of their mandate and their office as Councillors, and they cannot allow oversight in the City to collapse, as it will result in a free fall into chaos for the City of Joburg, with an Executive that does what it feels like, without reproach. She concluded by saying they strongly encouraged the House and the Speaker, for the Executive to stick to the dates that are approved by Council.*

*The Speaker addressed Council and said that the calendar as scheduled will be considered on a month-to-month basis. She added that the Executive might have urgent items for consideration and a meeting will be called for those, but the calendar will not be amended, instead when there is no need for Council to convene, the scheduled meeting will be postponed.*

#### RESOLVED

- 1 That Council approves the proposed year planner/ schedule of Council and Committee meetings for the period July 2023 to June 2024, as indicated in Annexure A attached to the report.
- 2 That the proposed year planner/ schedule of meetings as per Recommendation 1 above, be reviewed as and when such a need arises.

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

- Item 17 INVESTIGATIONS CONDUCTED BY THE GROUP FORENSIC INVESTIGATIONS SERVICES (GFIS) DEPARTMENT THAT WERE NEITHER COMPLIANT WITH THE LOCAL GOVERNMENT DISCIPLINARY REGULATIONS FOR SENIOR MANAGERS NOR COMPLIANT WITH THE APPROVED GFIS DELEGATIONS OF AUTHORITY

*The item was dealt with during the In-Committee.*

## RESOLVED

- 1 That Council approves this report, and the remedies available in terms of the law.
- 2 That Council notes that the investigation of allegations against Senior Managers who are directly accountable to the City Manager that were not authorized by Council in accordance with the requirements of the Disciplinary Regulations for Senior Managers, issued in terms of the Municipal Systems Act; as well as the investigations that were not in accordance with the requirements of the MFMA Regulations on Financial Misconduct Procedures and Criminal Proceedings, were irregular and unlawful.
- 3 That Council notes that the investigation of allegations against Councillors that were not reported to Speaker of Council and/or Council deprived both from exercising their legal powers and functions as provided in terms of the Municipal Systems Act, Schedule 1: Code of Conduct for Councillors Section 13 and Section 14, respectively. The investigations conducted without Council resolution are therefore irregular and unlawful.
- 4 That Council notes that there are investigations of allegations against the then members of the Boards of the Municipal Entities that were not reported to or authorized by the Executive Mayor; and the investigations outcomes were not formally reported to Executive Mayor. It be noted therefore that where these investigations were not authorized by the Executive Mayor and/or Council, these are irregular. Further it be noted that the investigations into allegations against Managing Directors or Chief Executive Officers, and/or Senior Managers of a Municipal Entity that was not sanctioned by the relevant Board, were irregular and unlawful.
- 5 That Council notes that the register of the unlawful investigations reported by the GFIS Department, as per **Annexure 2** of this reports, relates to only current investigations that have either been finalized or are still in progress.
  - (1) In addition, Council notes that the GFIS Director Operations has reported that since inception of GFIS in 2016/17 to date, the Department did not report these investigations to Council and/or Speakers of Council as required in terms of either the Disciplinary Regulations for Senior Managers or the Code of the Conduct for Councillors, respectively.
  - (2) Further, Council notes that as a result of the failure by the Department to adhere to the legislated requirements over the seven year period (from April 2017 to February 2023) there may be other similarly unlawful investigations that were conducted, concluded and would not have been reported to Council.
- 6 That Council notes that the actions of the responsible officials in the Group Forensic Investigations Services (GFIS) Department were not in accordance with their delegated authority, were an abuse of investigative powers, flouted applicable laws and therefore constitute a serious misconduct.

- 7 That Council which holds the executive and legislative powers of the City in terms of the Constitution Act, section 151(2), and whose powers were alienated through the conduct of GFIS Management as per the submission of the Department; therefore exercises its authority to revoke or declare as invalid the unlawful actions by the GFIS Department as provided for in terms of section 59(3) of the Municipal System Act. Therefore, Council declares all these investigations and outcomes as null and void.
- 8 That Council notes that the rights of the Senior Managers and Councillors who were subjected to unlawful investigations have been violated, thereby exposing the City to potential litigation.
  - (1) Council mandates the City Manager to handle any associated litigation arising as a result hereof, subject to the City Manager reporting to the Executive Mayor on the exercise of this delegation.
  - (2) In addition, Council mandates the City Manager to appoint a Senior Counsel, in the case of litigation against the City; and for Senior Counsel to advise on any other actions which must be taken to remedy the prejudice caused by the abuse of investigative powers and the unlawful investigations.
  - (3) Further, the appointed Senior Counsel to provide legal advice on any other similar investigations that were not conducted lawfully but may have been omitted from the GFIS register of cases submitted dated 24 March 2023. A report be submitted to the Council, as applicable.
  - (4) Council mandates the City Manager to, where it is deemed appropriate, obtain legal advice from a Senior Counsel in relation to the investigations into allegations against the senior officials of the Municipal Entities that were not authorized by the relevant Board. Legal recourse to be taken, if any, be done in consultation with the Board of the Municipal Entity.
- 9 That the City Manager ensures that the acts of misconduct by the GFIS Department are subjected to further investigation where applicable, and appropriate disciplinary action be implemented in terms of the applicable disciplinary policy framework, the SA Local Government Bargaining Council-Disciplinary Code and/or the provisions of the Labour Relations Act.
- 10 That Council authorises the City Manager to report to the Municipal Public Account Committee (MPAC) the incurred expenditure in all the unlawful investigations as irregular; and cause an investigation for its recovery and/or write-off, in terms of section 32 of the Municipal Finance Management Act (MFMA).
- 11 That Council refers to the Disciplinary Board, through the City Manager, the alleged acts of financial misconduct also arising from utilisation of the attorney firms on the City's legal panel to conduct the unlawful investigations that were non-compliant with the regulatory requirements.

- 12 That it be noted that the City Manager is required to engage the Group Audit Committee, to which the GFIS Department reports functionally, regarding the system that should be put in place for effective oversight in respect of investigations by the Department in compliance with applicable legislative prescripts.
- 13 That Council approves that the mandate of the Group Forensic Investigation Services Department be reviewed to ensure that its powers and functions for investigations fall within the scope of local government; any delegated authority does not contravene the provisions of the RSA Constitution Act, and therefore will not infringe on the authority, powers and functions of other spheres of government, including law enforcement agencies and intelligence services.
- 14 That Council approves the below recommendations by the Group Audit Committee at its ordinary meeting held on 9 June 2023, that Council approves the delegation of its authority to the City Manager and /or Executive Mayor as applicable.
- 15 That Council approves the following delegation of its authority in terms of the Municipal Systems Act: Disciplinary Regulations for Senior Managers, Regulation 5, to the City Manager:
- (1) The City Manager be delegated authority to conduct preliminary investigations into allegations of misconduct against Section 56 Managers, to establish whether these allegations are founded, are neither frivolous, nor vexatious, nor malicious; and therefore the alleged acts of misconduct warrant a full investigation.
  - (2) The exercise of this specific delegation is subject to oversight by the Group Audit Committee and the Executive Mayor; and must be reported to Council.
  - (3) The City Manager reports to the Mayoral Committee and Council on all the allegations received, the preliminary investigations conducted and the outcomes thereof. The report on the allegations of misconduct should detail amongst others:
    - (a) the nature of the allegations against the Section 56 manager(s);
    - (b) the appointed investigator i.e. whether the preliminary investigation was conducted using inhouse resources (GFIS) or through an external independent investigator;
    - (c) the key findings of the preliminary investigation; and
    - (d) where there was no evidence the recommendation to dismiss the allegations of misconduct; or a recommendation to Council whether a full investigation should be conducted.

- (4) Therefore, Council approves that City Manager be delegated the authority to appoint an independent investigator as applicable; in line with the City of Johannesburg procurement policy and procedures, and the supply chain management regulations.
  - (5) The City Manager be authorized to sub-delegate the authority for investigations in line with the City's delegation of authority framework and policy.
  - (6) The City Manager will not have authority to investigate allegations of misconduct against a Councillor. Therefore, Council approves that where during an investigation that is performed and ordinarily falls within the delegated authority of the City Manager, but it appears to implicate a Councillor and/or member of an ME Board, this should be reported to Council and the Office of the Speaker.
  - (7) The City Manager shall not have the authority to investigate allegations made against him/her as the Accounting Officer. To this extent, the City Manager must design a system to ensure that such allegations are reported to the Executive Mayor.
- 16 That Council approves that in the case of any allegations of misconduct against the City Manager, the Executive Mayor, is herewith delegated authority to instruct a preliminary investigation which shall inform whether a full investigation be conducted. The exercise of this delegation shall be subject to oversight by Council, and therefore the Executive Mayor shall report to Council at its next meeting after such an allegation has been received and the progress if any on the preliminary investigation.

(GROUP FORENSIC INVESTIGATION SERVICES)  
(Sinaye Nxumalo)

Item 18 REPOSITIONING OF METROPOLITAN  
TRADING COMPANY FUNCTIONAL AND  
ADMINISTRATIVE OVERSIGHT

**RESOLVED**

- 1 That Council approves the repositioning of the administrative and functional oversight for the Metropolitan Trading Company and that the Department of Transportation shall be responsible for the administrative and functional oversight of the Metropolitan Trading Company.
- 2 That Council approves the amendments of the terms of reference of the affected Governance structures.

(GROUP GOVERNANCE)  
(Tsumbo Nephawe)

Item 19 RECRUITMENT AND APPOINTMENT OF THE  
EXECUTIVE DIRECTOR: ECONOMIC DEVELOPMENT  
IN ACCORDANCE WITH THE REGULATIONS ON  
APPOINTMENT AND CONDITIONS OF EMPLOYMENT  
OF SENIOR MANAGERS

*The item was dealt with during the In-Committee.*

**RESOLVED**

- 1 That the content of this report and its annexure be noted.
- 2 That Mrs Lesego Mphefo be appointed as the Executive Director: Economic Development in the City of Johannesburg on a permanent contract with effect from 1 July 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 Mrs. Lesego Mphefo.
- 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, Mrs Pilisiwe Nomsa Tau in the event that Mrs Lesego Mphefo is unable to take up the offer of employment.
- 5 That the appointment of the candidates is subject to the candidates:
  - (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; and
  - (3) Entering into a contract of employment and a performance management contract with the City Manager

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

**4 ANNOUNCEMENTS BY THE SPEAKER**

*The Speaker announced the recess from Monday, 26 June 2023 until 17 July 2023.*

THE MEETING ADJOURNED AT 20:26.



.....  
SPEAKER OF COUNCIL

05/09/23

.....  
DATE

