



MINUTES OF THE 11th ORDINARY COUNCIL MEETINGS OF THE CITY OF JOHANNESBURG MUNICIPALITY HELD ON THURSDAY, 23 FEBRUARY 2023, AT 10:00, AT THE CONSTANCE CONNY BAPELA COUNCIL CHAMBER, METROPOLITAN CENTRE, BRAAMFONTEIN.

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- 3 OFFICIAL NOTICES**
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(13th Extra-Ordinary Meeting held on 27 January 2023)
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MEMBERS PRESENT

The Speaker: Councillor Makhubele, T C

The Executive Mayor: Councillor Amad, T

Abdool, F	Hoén, J N
Amod, C J	Homer, C
Arnolds, M S	Hooper, R S
Atterbury, E	Horwitz, J
Avant-Smith, C	Huggett, E A
Baloyi, D L	Hughes, Z
Benjamin, R F	Ismail-Moosa, I
Bini, L	Jacobs, B
Bittkau, R	Jainoodeen, Z
Boer, C	Johnson, N
Bolani, M G	Jonker, N
Brand, D G	Kaldine, J
Buthlezi, T C	Kgeletsane, M O
Chabalala, M D	Khanyile, N M
Chame, F	Khumalo, X I
Chauke, K L	Knott, L R
Chetsanga, H	Koekemoer, M
Christians, A	Komane, S A
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
Dammie, B H	Leitch, A N
Davids-Green, L C	Leshilo, R S
Dellwaria, N	Liebenberg, E
Deppe, A J	Lobi, M
Dewes, D S	Louw, M A
Dladla, D	Maake, M J
Dlamini, B	Mabaso, M P
Doyle, T	Mabelebele, S S
Durand, G V M	Mabuke, T A
Echeozonjoku, B C	Mabunda, T E
Edward, N	Mabuza, S K L
Finn, C E	Machaba, L M U
Foley, D T	Machethe, S
Fourie-Shawe, C	Madiba, T J
Francisco, D B	Magwaza, B L P
Fresling, R R	Magwentshu, L C
Galeshewe, T M	Maila, S M
Gantsho, L	Majola, S
Goosen, J W	Makamo, S S
Gwamanda, K	Makhafola, E
Harris, R	Makhuba, H N

Hlatshwayo, S M

Maluleka, T

Manganyi, D B	Molise, L D
Mangena, T D	Moloisane, D
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Marais, S I	Morero, S E
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Mashinini, S	Mphahlele, M
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Mkasi, G	Nethamba, R
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Molefe, M	Nzimande, C

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Twala, Y A
Van der Schyf, C
Van Dyk, N J
Van Wyk, W M
Wax, K P
Williams, M C
Wilskut, D
Wissler, S T J
Wittman-Potter, D D
Xuma, L
Zama, A A D
Zazini, A
Zitha, S L
Zondo, L T
Zungu, N G
Zwane, S

1 OPENING

The Speaker requested Council to rise and observe a moment of prayer and meditation.

Councillor Horwitz (DA) raised a concern stating that she was able to take the lift outside the parking area, all the way to the Chamber without being noticed and going through Securities. She then suggested that the matter needed to be investigated as that was a security breach.

The Speaker thanked Councillor Horwitz for bringing the matter to her attention.

Councillor Raphadu (ANC) said that all Councillors had a lot to complain about and does not think this was a platform to discuss such matters, it would take up council's time. He further suggested that maybe council should consider having a complaint drop box.

The Speaker in her response said that if she was open to receiving compliments, she was open to receiving complaints as well, and she would allow councillors to voice their concerns.

The Speaker welcomed the Executive Mayor of the City of Johannesburg, Councillor Ahmad; 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 Section 79 committees; fellow Councillors; acting City Manager, Mr Maduka; acting Secretary to Council, Mr Gobinca; officials of the City of Johannesburg; residents of the City of Johannesburg; members of the Media; ladies and gentlemen, to the 11th Ordinary Council meeting of the City of Johannesburg Municipality.

The Speaker further addressed Council as follows:

"I want to acknowledge the residents that are herein with us in our gallery and our special guests and dignitaries that we have here present.

We have in our midst Mr Maniac Shukla; Mr. Sadir Quran, the Consulate Officer, India; Mr. Mahesh Kumar, the Consulate General, India. We also have Mr Neeshan Balton, the CEO of Ahmed Kathrada Foundation; Commissar Moshe Koma, the Provincial leader of the EFF and the Provincial Chairperson, Commissar, Mr Nkululeko Dunga and the rest of the EFF leadership.

We have in our midst the Regional leadership of the ANC led by the Regional Secretary, Mr Sasabona Manganye and Mr Terrence Nkosi, REC member, you are all welcome. And all the guests that we may not have acknowledged, kindly let my office know. We'd love to acknowledge you and we appreciate your presence herein with us, thank you."

Speaker reminded Council of the outstanding reports from the Extra-Ordinary Council

meeting that was held on Wednesday, 22 February 2023, and said that the reports would be considered. She further said that she had received a request from the Executive for Council to consider an urgent report relating to the recruitment process and appointment of the City Manager, and that she had acceded to the request.

The Speaker requested Legal Advisors to confirm the number of councillors present to confirm quorum. She then announced that there were 244 Councillors present at the meeting, therefore, a quorum was formed, and the rest of the Councillors will continue to sign the register.

Councillor Moloisane (DA) brought to the attention of council that there are disrespectful and improper comments being made in the chamber. He further said that there was a councillor who referred to councillor Knott as a Sushi dish and that councillor was not reprimanded. He added that previously there had been homophobic and racist insults thrown around in the chamber. He pleaded with the Speaker to start holding councillors accountable. He said councillors were elected representatives and if councillors could make such insults in the chamber, that meant it was the same behaviour they gave to the residents who disagreed with them.

The Speaker in her response said there was no complaint received by her office about any councillor being referred to as a Sushi dish and requested that the complaint be sent to her office.

2 APPLICATIONS FOR LEAVE OF ABSENCE

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

<i>Councillor de Lange F</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Pelzer R</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Roberts F</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor van der Merwe M</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor Truluck TF</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor Radebe N</i>	<i>:</i>	<i>Private Business</i>

The following Councillors requested to arrive late:

Councillor Morero SE
Councillor Ngobeni L
Councillor Mbundu N
Councillor Shumba K
Councillor More E
Councillor Sun YH
Councillor Pietersen N
Councillor Homer C
Councillor Phalatse M
Councillor Christians A
Councillor Mogapi T

The following Councillors requested to leave early:

*Councillor Williams MC
Councillor da Gama VM
Councillor Mkhonza NF
Councillor Harris R
Councillor Moosa EI
Councillor Tshehlo G*

Councillor Meyers (DA) addressed Council and said that Councillor Raphadu (ANC) addressed councillor Knott (DA) as a Sushi dish/tray, that was not acceptable and asked that he withdraws that because women cannot be objectified like that and asked the Speaker to intervene.

The Speaker in her response said she would approach councillor Raphadu to understand what was said and address the matter.

Whip of Council, Councillor Zungu addressed Council and said he wanted to concur with councillor Moloisane (DA) because what he witnessed in the Council Chamber yesterday, 22 February 2023, cannot be condoned. He further said that Councillors ought to always treat each other with respect, no matter their differences and their different political ideologies and that councillors should represent their constituencies with the utmost respect. He added that councillors cannot be insulting each other and that it was important for councillors not to see each other as enemies or animals and he was asking the Speaker to address this matter.

He further said that it was unacceptable the way councillor da Rocha addressed the Speaker in the morning, and if councillor da Rocha was frustrated by the Speaker, he could direct his concerns to his Whip instead of him raising on his feet yelling and shouting insults at the Speaker. He concluded that he was appealing for calm in the chamber so that going forward, councillors are still able to speak and greet each other with respect.

3 OFFICIAL NOTICE

The Speaker asked Councillors to join her in wishing the following Councillors well as they celebrated their birthdays during the month of February.

*Baloyi DL
Bittkau R
da Rocha C
Goosen J
Knott L
Kwapeng C
Mabaso M
Mabuza K
Marema VA
Moeti OT
Ngobeni RF
Ngoepe CS
Nontenja TC
Sekhu MV*

Zondo LT
Zungu NG

3.1 Statement by the Executive Mayor

None.

4 CONFIRMATION OF MINUTES

(10th Ordinary Meeting held on 26 January 2023)

Page 7: under Opening address, 4th sentence – add the word “and”

Page 8: 4th paragraph - change “would” to will

Page 12, 2nd paragraph “families have been left destitute should have a comma (,)”

Page 8, last paragraph, you may take your “seat” to read “seats”

Page 10: author’s surname is “Millin” not “Mollin”

Page 11: last paragraph, second line – should read the “Audacity of hope”

Page 15, third paragraph, third line “Vlaakfontain” to read “Vlakfontein”

(13th Extra-Ordinary Meeting held on 27 January 2023)

Page 9: third last sentence – “bigger” to read “big” and “bigger” to “biggest”

Change to – “deal with my religion”

Page 10, last paragraph, 7th sentence – “agreement” to read “agreements” and “feature” to read “features”

Page 11: paragraph 5, 3^d line – “becomes” to read “become”

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

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

“The construction of a swimming pool in Ward 111 begun about five years ago. However, it is still incomplete.

1. *Can the MMC outline to the House on the progress of this project? The update should also outline the challenges which led to the delay in the completion of the project.”*

MMC Magwentshu responded to the question as follows:

“Greetings to the beautiful Speaker of the people; greetings to the servants of the people, the Executive Mayor; greetings to the Whip of Council, Manzini; greetings to the Chair of Chairs and greetings to all the servants of the people in the House.

The swimming pool in Ward 111 was finished in June 2022. During the process of the snag list, it was then discovered that there was still some electrification, water and sewer connection that needed to be done, which was supposed to commence in July. However, the project was stopped by the community. The reason why the community stopped the project was that this project was built on land that previously had a soccer field and the community was promised that they were going to be given a soccer field. Now, they were looking for a soccer field, that was why they stopped the project.

There is a land that is adjacent to that swimming pool, which is the land that was identified to be the land that will then be used for the soccer field. All that was then required to happen was that the city were to provide an excavator that was to go and clear off that piece of land. But the City, for some strange reason, could not provide an excavator. A multi-million rands project could not be completed because the City could not provide an excavator. For an excavator that only needed to go and work there for a day, just one day. I'm not going to stand here Speaker and point fingers but what we have done; I've been on the ground; I've seen the swimming pool and I have committed that the excavator will be there.

Today, we have spoken with MMC Kunene, and he has given me the excavator, so the excavator will be there today or tomorrow, to clear that area and then the Community will allow the project to continue, and the work that is left is only going to take us two weeks to complete. By the end of March, that facility will be handed over to the community. I thank you."

Councillor Zitha (EFF) did not have a follow-up question but said that she had heard that the project was completed last year already and now hearing it will be completed in March. She was happy that MMC Kunene was able to assist and provide an excavator whilst others could not.

Councilor Rafferty (PA) said that the Whip of Council requested that the decorum of the House be maintained, there is no MMC Sushi, all Councillors must be addressed by their correct name.

Councillor Mkansi (EFF) asked the MMC for Environment, Infrastructure and Services the following question for oral reply in terms of section 105(1) of the Standing Rules and Orders of Council.

"In Zandspruit ward 114 Region C, around the year 2018 there was electrification project which was successfully completed at the Section known as transit Camp (Reception Area) Now Ext 16 , it had brought happiness to our community as it was for the first Time since democratic independence for them to have access to Safe and reliable electricity. On the process of Electrification, streets lights were removed and the community was told immediately after electrification project is done streets lights will be reinstalled. To date, the reinstallation has not been done.

1. *What is the reason for not installing the streetlight lights in this area as promised?*
2. *Is there a plan for ensuring that the community receive what was promised to them? If yes, please provide the details with timelines to this house."*

MMC Sekwaila responded to question as follows:

"Thank you, Speaker. Greetings to you Speaker, the beautiful Speaker of City of Johannesburg; the Executive Mayor; leader of caucus of the ANC; greetings to all leaders of political parties that are here in the City of Johannesburg. Thanks very much and to councillor Mkasi for the question."

Speaker, we have realized as City Power that the area in question, Zandspruit, Ward 114 is an Eskom area of supply, where the electrification and removal of streetlights was carried out by Eskom. Due to reduction of Capex budget, not all projects were carried out as reprioritization, this includes the installation of removed lights. However, plans are in place and are in progress to continue with the reinstallation and off grid solution as mitigation against theft, vandalism, and Eskom area-wide disconnection. So, there is also two question 2; yes, there are plans in place. Zandspruit form part of identified areas to be considered for a solar high mass project and as part of the offline solution. Feasibility studies are in progress and Zandspruit area was visited on the 20 February 2023, from the feasibility study report, we'll be able to indicate in fact, from City Power's point of view, what is it that City Power will do because we must then go off grid and provide off grid solutions from Eskom and provide alternative supply to these areas. Thanks very much speaker."

Councillor Mkasi (EFF) on his follow up question asked the MMC to grant time frames on when the installation of these high mass lights would be done.

MMC Sekwaila responded as follows:

"Speaker, as I have indicated that on 20 February, there was a feasibility study done around this area, but we are this still waiting for the findings of the feasibility study that will then determine when this project can be done. Obviously, we must indicate that from the issues of budget that we have in the City of Johannesburg, probably it might take us one month to do this feasibility study, then after that, three months for us to be able to implement the programme. Thanks, Speaker."

Councillor P Mofokeng (EFF) to ask the MMC for Housing the following question for oral reply in terms of Rule 105 (1) of the Standing Rules and Orders of Council:

When the project of Temporary Relocation Units (TRUs) started in 2020, we were told that by October 2020 people will start to move in. The reason was that it is not practical for the people in the informal settlements to adhere to Covid-19 protocols. Almost 3 years later, the project is not complete and during bad weather conditions the roofs of those containers are falling off which put the lives of residents at risk. Given the background above, can the MMC answer the following questions:

- 1. Were safety assessments and quality checks conducted on these residential units?*
- 2. When are these TRUs going to be completed and allocated to the people?*
- 3. Who are the beneficiaries of these TRUs and how were they identified?*
- 4. How much were the service providers for this project paid?*

MMC Leitch responded to the question as follows:

"Thank you, Madam Speaker. Greetings madam Speaker; Executive Mayor; to the PA caucus and all councillors, all protocols observed.

In response to the question posed: the safety and risk assessment was undertaken by an independent structural engineer, to assess the incident, damage caused and the cause of the roof sheets falling off. Yes, it can be confirmed the assessment was done

and the independent structural engineer has certified and provided assurance that the structures are safe, and all deficiencies were addressed as per the engineering standard.

In response to question 2; the anticipated completion date in the three sites are as follows:

1. Madala:

Construction for 12 blocks is completed, there is only one block outstanding. Anticipated date of completion is 30 June 2023. Town planning processing are delaying the connection of bulk services that is: water from Johannesburg Water, electricity from City Power and connection approval for storm water from Johannesburg Road Agency.

2. 10th Ave:

Construction is completed awaiting to finalize the town planning process and connection of bulk services by Johannesburg Water and Eskom. Completed date is 21 November 2022.

3. Marlboro:

Construction is at 80%, anticipated date of completion is 30 June 2023.

In response to question 3, there are three sites of TRU in the Alexandra conurbation; Madala, Marlboro 17th Viola and Marlborough 12th Ave.

1) Madala TRU:

The beneficiaries for this facility are primarily the Madala hostel and residents. This is with the view to demolish the derelict and maintenance deficit for the development of mixed tenure housing.

The hostel residents have been prescreened on the housing subsidy system. Notable is the shortfall of units to accommodate all the residents.

2) Marlboro 17th Viola and Marlboro 12th Ave:

The intended beneficiaries for these 2 TRU will be taken from the 1996 applicant. The entire database for 1996 has been sourced and is being screened by the Human Settlements Department.

There are more than 11,000 individuals on the list.

In in a response to question 4, the value including the expenditure in the three projects are as follows:

a) Madala site:

Contract value: R221 325 253,82

Contract expenditure: R193 48 253,82

b) 10th Ave:

Contract value R83 476 930,63

Contract expenditure R77 101 882,38

c) Marlborough:

Contract value R194 959 039,77

Contract expenditure R144 964 652,55

I thank you."

Councillor Mofokeng (EFF) in his follow up question said they noted the MMC's response and they will be making a follow up on until the end, for now, they will wait and see.

Councillor Ngwenya (EFF) asked the MMC for Housing the following question for Oral reply in terms of Rule 105 (1) of the Standing Rules and Orders of Council:

Community of Itsoseng in ward have been waiting for ages without decent housing unit. About two years ago, flats were built in that area however these flats are not allocated to anyone and the lives of people in this community have not improved despite the building of flats in their community.

- 1. What is the reason for a delay in allocation of the recently built flats to the community of Itsoseng who desperately need decent housing?*
- 2. What are the financial implications of building these flats?*

MMC Leitch responded to the question as follows:

"Thank you, Madam Speaker. This question has been referred to the province to provide accurate answers because they are building the flats at Malibongwe Ridge. Since the beginning of the project, Province was the developer of the houses and the city is responsible for infrastructure. We have not received the answer for the setting from province, the department will provide an answer in the next setting. Thank you."

Councillor Ngwenya(EFF) asked the follow up question as follows:

"MMC Leitch, I would like to say I'm partially answered. The Community of Itsoseng has been waiting for too long and such cannot be accepted. I understand that the previous administration of this House, they claimed to be a caring Organization party. However, they failed to at least provide the simplest answer that you just gave. Now, so much follow up questions have been asked to the admin team of the former MMC, let me not say his name, let me leave it at that. In closing, MMC, as the EFF, as the previous speaker have indicated, a fellow fighter, that we are not giving up. You do not give us an answer, the question is coming again because we are being guided by the 7 non-negotiable pillars, pillar 7 which stipulates, "Free quality education; healthcare; housing and sanitation". Thank you."

MMC Leitch in her response said she noted Councillor's Ngwenya's response and a response will be issued.

Councillor Zitha (EFF) asked the MMC for Public Safety the following question for Oral reply in terms of Rule 105 (1) of the Standing Rules and Orders of Council:

During the insourcing of Security Officers and Cleaners in the City of Johannesburg, there are qualifying workers who were not insourced. These workers are disgruntled as the city has not been able to provide them with a clear explanation of why they were not insourced.

1. *Does the city have a plan of addressing the concerns of security guards and cleaners who were excluded during insourcing? If yes, please outline the plan to this house.*

MMC Tshwaku responded to the question as follows:

"Thank you very much Speaker. Let me greet you lovely Speaker. Also let me greet the Executive Mayor of the City of Johannesburg; the Chair of the Province of the EFF, Commissar Dunga; the Provincial Secretary, Commissar Moshe and the Chair of the Region of Johannesburg, the ground force, the mobilizer, fighter Sepetlele Raseruthe and also let me greet the entire caucus of the EFF; my colleagues on my side and my colleagues on my right hand side will get their greetings from the Queen in England.

My colleague, Councillor Zitha wanted to address the question to the counterrevolutionary organization that was in government last time, the enemy of the working class. Now that the friend of the working class has entered the Martin Dale buildings and we are in government, because we are always on the side of the workers, the first thing we did as the EFF, we met with the workers before we went upstairs and met all the other people.

We actually met with the workers and the explanation that we provide, is that the security and the cleaning group leaders in respect to the previous insourcing including the qualifying criteria of the insourcing of the cleaners, in the number of meetings in the city, as well as official and with the acting Manager. A strategic political decision and agreement will still be made by the city administration in respect of insourcing and additional budget required to insource for the next number of years. Now, the structures of such new positions from the new insourcing in line with the institutional review process will be created in the city organizational structure, with the additional position being created from the new insourcing.

We are going to investigate that as a matter of urgency because we know that the counter-revolutionary organization that was there were stalling the whole process itself. So, we know the challenges, we have met up with them already, and those ones who were having challenges such as not being skilled; others they don't have any security houses and we got a complaint that some of the female security guards are being raped at night because they do not have tools of trade. So, the organization, ourselves in the Department of the Public Safety, we are going to ensure that we provide that, Speaker. We are going to be fast-tracking this, we did highlight that to the administration which has there, which looted the money of the city. They put us into a big red line, we might not be able to really achieve some of these tasks right now, but we are having strategic meetings in terms of ensuring that in the next financial year we are going to ensure that they have been taken care of."

Councillor Christians (DA) addressed council and said he was rising on the issue that was raised yesterday, which the Speaker had ruled on, that any perceptions or allegations should be put aside unless there was proof brought before council. He further asked MMC Tshwaku to be factual rather than make allegations.

MMC Tshwaku responded as follows:

"I have proof, Speaker. They have cut my budget by 19 million, I have proof. The previous administration looted the money. We do not have money to pay the workers, they looted it. Look at the financials, we had a budget adjustment. The money is gone that is why I'm saying this, Speaker the Department of Public Safety will take care of them.

"Speaker, in summary, we are saying that because there is no budget, it was spent by the previous administration, we did explain to the workers. We further went to the cleaners, to the traffic warden, to say we do not have money because it was spent by the previous administration. That is why yesterday, we were borrowing 2 billion because the money is not there. So, the 2 billion will be channeled on the safety and the security of the law enforcement but the insourcing is going to go ahead, we are going to phase it in very nicely. We are going to have strategic meetings and sessions so that the workers in the next financial year, are fully resolved and they are insourced as well. Thank you very much."

Councillor Zitha did not have a follow up but said that she was very happy with the update from the MMC.

MMC Tshwaku responded as follows:

"Speaker, this motion was developed and sponsored by the Economic Freedom Fighters. The insourcing is the policy of the Economic Freedom Fighters, it was stolen from us in a way that people wanted to create something that we do not understand. Now, we are going to implement it to its fullest, properly, the employees must know that whoever is not insourced, will be insourced because we are in government. I thank you."

Councillor Tsheddo (EFF) asked the MMC for Transport the following question for oral reply in terms of section 105(1) of the Standing Rules and Orders of Council.

"The Rea Vaya project in Old Pretoria Road has been abandoned without being completed since 2021.

- 1. What are the reasons for abandoning this project?*
- 2. Are there plans in place to complete this project? If yes, can the MMC outline the plan to this house?"*

MMC Kunene responded to the question as follows:

"Thank you, Speaker. Let me also honor the Executive Mayor; the Whip of Council; the Chief Whip of the Patriotic Alliance, Councillor Peter Rafferty and all colleagues

gathered here behind me, and all colleagues gathered in front of me, that distinction must be made.

*As I was called upon to be a councillor, the communities asked me or made statements to me in the words of the philosopher *DJ Chaos; "They said we need politicians or political parties that will compete by service delivery, not the ones that will compete by stealing from the poor or from the country". The problem, they said, again, in the ways of DJ Chaos, "The problem with politicians is that they think they are doing us a favor by doing their job". I commit that I am a servant of the people, and I am not doing them a favour, unlike the previous administration that just put us into financial ruin.*

Mama, I accept your question and I think next time you must request that the question must be written in your mother tongue, so that some should not hear you. Then they must complain, and we must deal with them. We heard you loud and clear, mama what you said, and we respect you.

The Rea Vaya project on Old Pretoria Road has not been abandoned. The Rea Vaya Phase 1CA project is currently being implemented along Louis Botha Avenue and Catherine Drive, the project is continuing and has not been abandoned. This Phase will run between the Joburg CBD, Sandton and Alexandra.

Cumulatively, 12 stations are 100% complete along this trunk route. One station at Park Station is at 95% and is earmarked for completion in the current financial year, 2022-2023. The construction of two more stations at Sandton on 5th Street and Gandhi Square are commencing in the current financial year, 2022-2023.

Over and above this, a feasibility study is currently being done for the Rea Vaya Phase 1CB, which will link the Joburg CBD with Ivory Park. This process encompasses stakeholder consultation, including Ward Councillors of the affected wards. It is anticipated that this feasibility study will be completed by end of June 2023.

Question 2: As already indicated, the Rea Vaya Phase 1CA infrastructure is being completed. The negotiations with the affected public transport operators are at an advanced stage and it is anticipated that the BOCA bus operating contract agreement and the (SLA) Service Level Agreement will be signed with the affected public transport operators in the in this financial year, 2022-2023 in preparation for the operation operationalization of the service. It is anticipated that this late Phase will be operationalized by end of the current financial year, 2022-2023 pending the availability of the buses. The process to procure busses through the POC as per council approval has been initiated. There Rea Vaya Phase 1CB feasibility study linking Joburg CBD with Ivory Park will be completed by end of June 2023.

I must add mama, that the delays were because of the procurement of buses, which has now been transferred to the bus operators. The negotiations with the taxi industry also took long because of some internal issues that delayed these negotiations. PUTCO, which is also a transport operating company here, took Transport Department to court, demanding more on the percentage of shareholding.

Councillor Majola S (ActionSA) addressed council and said that the House was full of councillors, no mama, no aunties and uncles. He further said that MMC Kunene did not come with a mother and should address councillors as councillors.

Speaker responded and said there was no insult intended, in fact it was the highest honor in the african culture. She further addressed MMC Kunene and said that council was a house of councillors and referred MMC Kunene to address councillors as such. MMC Kunene continued his response as follows:

"Thank you very much, but this is what happens when young black people lose their african culture. Councillor mama Tshedol, what exacerbated these delays was the fact that PUTCO took Transport Department to court, demanding more from their 0.53% shareholding. The department won the first leg at the High Court, they appealed and now we are going to the Supreme Court of Appeal in Bloemfontein, which is my hometown. We will bring that victory so that we can begin to work and service our people with transport. Thank very much."

Councillor Ntoele (EFF) asked the MMC for Transport the following question for oral reply in terms of section 105(1) of the Standing Rules and Orders of Council.

"It has been over two years since the robot between three Wards 6, 7 and 120 in Sub-Region G stopped working. The robot in question is located on the R58 road at a busy intersection which characterized by accidents. Children from local school are supposed to cross the robot when going to school and this put them at a high risk of being hit by cars.

- 1. What is the reason for not fixing the robot in question after such a long time?*
- 2. Is there a plan to fix this robot? If yes, what is the timeframe?"*

MMC Kunene responded to the question as follows:

"Thank you very much, Councillor sisi Ntoele. The intersection belongs to Gauteng Department of Roads and Transport, not JRA. It forms part of the intersections that were handed over to Gauteng Province in February 2022. However, at the time when it was under JRA, the delay on fixing it was due to Eskom not replacing the transformer that had exploded twice due to illegal connections. Even after the informal settlement was removed, the last communication received from Eskom before hand over to Province, was that their Capital Development Department was still planning and requesting budgets to reinstall the transformer. The 238 signal lights intersections were handed back to the Province. We have 20 signalized intersections, and we manage 30 of SANRAL.

In as far as the plan is concerned, Council Ntoele, I think we need to forward that Gauteng Department of Roads and Transport as they have decided to take all those signalized intersections, 238 of them from JRA and their managing them themselves. Thank you very much".

Councillor Suddaby (DA) addressed Council and said that South Africa is one of the most diverse countries in the planet that acknowledge, accept and work with all

cultures, races and ethnicities and as a result, there are 11 official languages. She further said that the final comment made by Councillor Tshed0 and MMC Kunene was in a language that 10 other language speakers would not understand. She requested for an interpretation for when any other language is used in the Chamber.

The Speaker responded that it was common for councillors to speak in their language, there was never any interpretation required when councillors spoke in Afrikaans. She further said that there currently were no interpretation services, they however, will be procured in the future.

Councillor Mkansi (EFF) asked the MMC for Transport the following question for oral reply in terms of section 105(1) of the Standing Rules and Orders of Council.

'In Zandspruit ward 114 Region C, between 2018-2019 Johannesburg Roads Agency (JRA) rehabilitated access road which will link Ext 10 and Ext 84. The challenge is that where JRA was supposed extend the road from taxi rank to Extension 10, however, no work was done. They also left incomplete stormwaters in the area which pose a serious risk to community members.

- 1. What are the reasons for not completing this project?*
- 2. What is the plan for ensuring that community members are protected from the risks posed by unfinished stormwaters in the area?'*

MMC Kunene responded to the question as follows:

"Thank you very much, councillor. This is what happens when you laugh at a mother for speaking your language, this is the results of it, and you must suffer from them. Councillor brother Mkansi, the original scope of the project could not be completed due to the encroachment on the road reserve.

Councillor Suddaby (DA) addressed Council and said on the basis that the ruling was made that any councillor can speak any language that they like; she thinks it should be made an order of the House.

The Speaker in her response said there was no such ruling made and asked MMC Kunene to proceed with his response.

MMC Kunene continued his response as follows:

"The original scope of the project could not be completed due to encroachments on the road reserve. COVID-19 restrictions also delayed the implementation of the project and led to additional costs. The budget allocation from the city was exhausted. The partial completion of upgrade of roads has created access for human settlements development, which was the intended purpose of the project as well as the partial alleviation of storm water issues. I must indicate that when COVID-19 happened, a lot of people then encroached the road that was being built and because of that, construction could not proceed because shacks were all over the place. However, JRA made some meetings with the community where they engage the community with their view of trying to make them understand that they needed to clear. There was an agreement, but when JRA went back with Human Settlement, the community members refused to move so that this road and the storm waters could be finished. We are, however, not giving up. I think perhaps the approach was not friendly enough, now with me in place here, leading this particular department, we will go back to those communities, humble ourselves before them and I believe that they will

understand that it is in their best interest that they should move their shacks to another section, which is also not far from there so that we can finish the work that we need to do.

Question 2: JRA did not receive budget for Zandspruit in the 2022 Financial Year, we know who put together that budget, that is why there is no budget for Zandspruit to finalize that project. In the current approved three-year budget, JRA has allocations for Zandspruit in the 2023-2024 and 2024-2025 Financial Years.

The issues of encroachment need to be resolved by COJ's Building Control Department as JRA will be unable to implement their plans. Designs for roads and stormwater in Zandspruit extension 84 were handed over to Department of Human Settlements for implementation. An engagement with the Department of Human Settlements would be undertaken in this regard. Last year, JRA took councillors of different parties to a tour of the area to show them these challenges that JRA is experiencing. But I want to say that with the Department of Building Control and Human Settlement, we must go back to engage the communities because that particular road that they have encroached also links to the new establishment, which is Zandspruit extension 84. So, we are going to engage them, but humble ourselves before them as they are our bosses, I salute you. Madam Speaker, thank you."

Councillor Mkasi (EFF) in his follow up said he thought MMC Kunene was misled but he does not blame him because he was new in the position. He further said that he was referring to was Plot 51, there was no encroachment by the residents as they were placed there by the Department of Housing and that the MMC by saying the residents encroached the road was misleading the house. He added that they would grant MMC Kunene time to go and rectify the situation.

MMC Kunene responded to follow up question as follows:

"Thank you very much, Councillor Mkansi. I have noted that, and I will go back to the officials and if indeed they have misled me, heads are going to roll. I am not here to play. Thank you very much".

Councillor Sobey rose on a point of order on the Speaker. She further said she first wanted to thank Councillor Tshedo for speaking in English, even though English was not her mother tongue. She added that she respected Councillor Tshedo for that and she would like to apologize on behalf of all the Councillors that made fun of her. She thereafter addressed her point of order on the Speaker and referred Council to Chapter 3, Section 18.6 which reads:

"Speaker of Council must discharge her or his responsibilities with integrity and in impartial way"

She further said that unfortunately, the Speaker's hatred for anything that is not her or like her was dripping onto the Council Chambers and into the City. She added that Afrikaans was part of the South African culture, it was part of the nation, and it is who we are and further said that isiZulu, isiXhosa, English are all part of who we are as a country. She asked the Speaker to respect the House; everyone regardless of colour, race, language, ethnicity and to be a shining star that she was supposed to be and protect all Councillors.

The Speaker said that Councillor was confused and had her own ideas that will not affect the business of the House and urged Council to proceed with the business of Council.

Councillor Telekoa (EFF) asked if it was possible, taking into consideration Rule 105 (1) of the Standing Rules and Orders of Council, that the former MMC's respond to questions posed as they were responsible MMC's at the time. He said that the new MMC's are now tasked to answer the ineptitude of the previous Executive and asked Council to investigate that Rule.

Speaker took advise from Legal and responded that it was success and title, new MMC's take ownership as they step into the position, irrespective when they took the position. The new MMC will have to account.

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

The Executive Mayor stated that the responses to the written questions are uploaded on the link.

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

None.

6 ELECTIONS OF CHAIRPERSONS OF THE FOLLOWING SECTION 79 COMMITTEES, MUNICIPAL PUBLIC ACCOUNTS AND FINANCE 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 Chairpersons of MPAC and Finance 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). The procedure set out in this Schedule applies whenever a Municipal Council meets to elect a Speaker, an Executive Mayor, a Deputy Executive Mayor, a Mayor or a Deputy Mayor or the Whip of Council.

She indicated that she had issued nomination forms to all Political Party Whips for political parties to submit nominations for the position of Chairpersons of the Municipal Public Accounts and Finance Committee.

She further stated that she will read out the nominations according to the sequence as reflected on the Notice.

(1) CHAIRPERSON: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

The Speaker indicated that two nominations were received, and such were from Councillor Mogapi TA (EFF), seconded by Councillor Nenemba T (EFF), nominating Councillor Raseruthe S (EFF); the second nomination from Councillor van der Schyf C (ActionSA), seconded by Lebatlang Z (ActionSA), nominating Councillor Modukanene LC (ActionSA).

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

Councillors Mogapi TA and Councillor Nenemba T (EFF) accordingly read out the nomination form, proposing and seconding the nomination of Councillor Raseruthe S (EFF) for the position of the Chairperson of the Municipal Public Account Committee.

Councillor Raseruthe read out the nomination form, accepting the nomination for the position of the Chairperson of the Municipal Public Account Committee.

Councillors van der Schyf (ActionSA) and Councillor Lebatlang Z (ActionSA) accordingly read out the nomination form, proposing and seconding the nomination of Councillor Modukanene LC (ActionSA) for the position of the Chairperson of the Municipal Public Accounts Committee.

Councillor Modukanene read out the nomination form, accepting the nomination for the position of the Chairperson of the Municipal Public Account Committee.

Voting commenced and the results are as follows:

Raseruthe: 139

Modukanene: 45

ABSTENTIONS: 75

The Speaker declared Councillor Raseruthe S (EFF) duly elected as the Chairperson of the Municipal Public Accounts Committee and further congratulated him as the newly elected Chairperson of the Municipal Public Accounts Committee.

(2) CHAIRPERSON: FINANCE COMMITTEE

The Speaker stated that two nominations were received, and such were from Councillor Modupi DA (ANC), seconded by Councillor Sindani FP (ANC), nominating Councillor Sesedinyane MI (ANC); the second nomination from Councillor Mokoka L (ActionSA), seconded by Gantsho L (ActionSA), nominating Councillor Majola S (ActionSA).

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

Councillors Modupi DN and Sindani FP (ANC) accordingly read out the nomination form, proposing and seconding the nomination of Councillor Sesedinyane MI (ANC) for the position of the Chairperson of the Finance Committee.

Councillor Sesedinyane read out the nomination form, accepting the nomination for the position of the Chairperson of the Finance Committee.

Councillors Mokoka L (ActionSA) and Gantsho L (ActionSA) accordingly read out the nomination form, proposing and seconding the nomination of Councillor Majola S (ActionSA) for the position of the Chairperson of the Finance Committee.

Councillor Majola read out the nomination form, accepting the nomination for the position of the Chairperson of the Finance Committee.

Voting commenced and the results were as follows:

Sesedinyane: 139

Majola: 49

ABSTENTIONS: 72

The Speaker declared Councillor Sesedinyane MI (ANC) duly elected as the Chairperson of the Finance Committee and further congratulated him as the newly elected Chairperson of the Finance Committee

7 RECOMMENDATIONS TO COUNCIL

*MMC Masuku tabled the reports from the Executive.
Chair of Chairs tabled the reports from the Legislature.*

The Whip of Council, Councillor Zungu requested for Item 25: THE CHANGES IN MEMBERSHIP SECTION 79 COMMITTEES, be elevated and Council acceded to the request.

BUSINESS FROM THE COUNCIL MEETING: 22 FEBRUARY 2023

MMC Masuku requested Item 5 to be dealt together with an Urgency Report Item 27, emanating from Item 24 that was tabled in the meeting of 22 February 2023.

- Item 3 APPROVAL OF CONTRACT BEYOND 3 YEARS IN LINE WITH SECTION 33 (S33) OF THE MUNICIPAL FINANCE MANAGEMENT ACT (MFMA) FOR THE PROVISION OF NON SPECIALISED VEHICLES ON A FULL MAINTENANCE LEASE (FML) AND FLEET SUPPORT SERVICES FOR BOTH FML AND MANAGED MAINTENANCE ON EXISTING FLEET FOR A PERIOD OF FIVE (5) YEARS FOR ALL CORE DEPARTMENTS AND MUNICIPAL OWNED ENTITIES (MOEs)

RESOLVED

- 1 That Council authorise the Accounting Officer to finalise the contract to Afrirent (Pty) Ltd.

- 2 That Council note that, this contract is for the duration of more than three years therefore, the City has concluded and complied with section 33 (Public Participation Process - Contracts having future budgetary implications of more than (3) three years as per MFMA read with Section 21(2) (a)(v) of the City Policy.
- 3 That the Council authorise Accounting Officer to enter into negotiation to sign SLA with Afrirent (Pty) Ltd as the recommended bidder on behalf of the City for a period of five (5) years once above-mentioned processes are finalized.

(GROUP CORPORATE AND SHARED AND SERVICES)
(Mporo Phooko)
(Tel. (011) 407-7565)

Item 4 AFFILIATION TO SALGA BY COJ
AS AN INSTITUTION

RESOLVED

- 1 That Council notes the resolutions of the Mayoral Committee of 8 February 2023 to approve outstanding SALGA membership fees for 2022/23 as highlighted in the body of the report.
- 2 That Council confirms that the City of Johannesburg is a member of the South African Local Government (SALGA).

(GROUP CORPORATE AND SHARED SERVICES)
(Moogsyn Jones)
(Acting Group Head: Group Human Capital Management)

DA and ActionSA dissent

Item 5 RECRUITMENT PROCESS AND APPOINTMENT
OF THE GROUP HEAD: GROUP GOVERNANCE

Urgency Report Item 27 was tabled together with Item 5

Councillor Mphahlele (EFF) in his address said on behalf of the EFF, they support the report. He said Mr. Mlandu Kona is an internal candidate and he qualified for the position, and they agree with all the recommendations.

Councillor Knott (DA) addressed Council and said that she wanted to put it on record that they supported Mr Mlandu Kona for the position of Group Head: Group Governance, he was the first candidate as per their panel recommendations and that was where the truthfulness of the report ended. She further said that she found it hypocritical, particularly based on what transpired at the previous day council meeting; the allegations of changing reports after the fact because that was exactly what was happening in this case. She added that the panel recommendations had

listed a second recommended candidate, and she found it ironic that the second ranked candidate had

been removed from the report. She thereafter said it was general HR practice to consider all of the requirements, the competency, the vetting, the scoring and it was stated within the HR Management space that the worst thing you can do was pick a candidate who was best on the day.

She added that it was detailed in this report where it stated that the second-best candidate in terms of the recommendations, Mr Sullyman, had received advanced competency outcomes in the leading competencies, and the leading competencies had more weight with COGTA. The leading competencies in terms of COGTA weighed more because of the requirements for the job and these included Financial Management, Human Resources Management, Strategic Management, etc. and in terms of the overall scoring between all candidates, Mr Mlandu Kona and Mr Sullyman came out at number 1 and 2 for those reasons supplied.

She thereafter referred Council to recommendation 4, which states:

“That in the event that Advocate Kona is unable to or does not elect to accept the appointment the position must be advertised in line with the relevant Staff Regulations and the Municipal Systems Act”

Councillor Knott (DA) said that was not the recommendation of the Panel and wanted to know who changed them. She further said that was the very same thing that she and Councillor Phalatse M (DA) were referred to the Ethics Committee for yesterday, albeit that was also a doctored report. She added the second issues was that the wrong Government Gazette was quoted and there were new regulations in November 2022, which were signed off by the GOCTA Minister, which changed the remuneration packages of Senior Managers directly accountable to the Municipal Manager, Gazette number 47538 and said in essence, the Legislation quoted and the Financial Implications in the report are incorrect.

Councillor Mashinini (ANC) addressed Council and said that as the African National Congress they note the report and that for the city to move forward the acting must come to an end.

MMC Masuku in her response said that they were happy to correct the report and quote the correct Legislation. She further said she wanted to put it on record that post the establishment of the Members of the Mayoral Committee and subsequent meetings and going through all the reports, they found that there was a discrepancy when it came to this report, where candidate number 5 was parachuted to be candidate number 2. She thereafter addressed the Speaker and said Councillor Knott had corrected her and said the candidate was number 4 and not number 5

Councillor Suddaby (DA) addressed Council and requested that MMC Masuku to not mislead the House. She said that she formed part of the panel in question, there was no candidate that was parachuted from number 4 to number 2.

MMC Masuku continued with her response and said the Members of the Mayoral Committee were confronted with a situation where they asked themselves what the intention was, when they call themselves the cleanest and a perfect governance specialist.

Councillor Knott rose on Rule 71 (2) and said that MMC Masuku was misleading the house and she was also allowed to raise a point of personal explanation to seek clarity because the MMC was responding to something she did not say and she would like to clarify that because otherwise it does not assist the House, by receiving responses to things that were not said. She thereafter said when candidates scoring is reviewed, we must take into consideration all three sources: the competency assessment, the scoring on the day and the vetting.

The Speaker intervened and asked Councillor Knott what was her point of order, and further said that she had her opportunity to debate the report she should not be engaging as she had her opportunity to speak already.

Councillor Knott continued to say that the premise of Human Resources Management was that; it was a poor option and a huge risk to an organization to select the best on the day. It must consider every single source that they are dealing with. She further said that MMC Masuku had left this out in the report because she agreed with the panel.

MMC Masuku continued with her response and added that Advocate Mlandu Kona has got good knowledge of the Legislation; a good Performance Management and 12 years' experience in this space, particularly knowledge on Governance.

RESOLVED

- 1 That the content of this report be noted.
- 2 That Adv. Mlandu Kona be appointed as the Group Head: Group Governance in the City of Johannesburg, for a fixed term period of five (5) years with effect from 01 February 2023 or as soon as possible thereafter.
- 3 That the Acting City Manager or his nominee be authorized to negotiate and finalize the terms and conditions of the fixed term employment contract, remuneration, performance contract and security clearance requirements with Adv. Mlandu Kona.
- 4 That in the event that Advocate Kona is unable to or does not elect to accept the appointment the position must be advertised in line with the relevant Staff Regulations and the Municipal Systems Act.
- 5 That the appointment of the candidate is subject to the candidate:
 - (1) Being in possession of or obtaining the prescribed security clearance.
 - (2) Being in possession of or obtaining within a period of eighteen (18) months, the relevant unit standards prescribed in Regulation 15 and 18 of the Regulations on the Minimum Competency Levels, 2007 as gazetted on 15 June 2007.

- (3) Entering into a contract of employment and a performance management contract with the City Manager

(OFFICE OF THE CITY MANAGER)

Councillor Christians A (DA) requested the Speaker to reprimand Councillor Mphahlele M (EFF) for referring to Councillor Knott as "baby-girl" and it was already ruled that term will not be used in the House.

Councillor Mphahlele rose and denied ever referring to Councillor Knott as "baby-girl".

The Speaker said she will investigate the matter and revert to Council

Item 6 ACTING ARRANGEMENTS FOR
SENIOR MANAGERS SECTION 56

RESOLVED

1 That Council:

- (1) Note the current status of acting arrangements for senior managers as tabled in 3(2).
- (2) Ratify section 56 acting appointments made by Acting City Manager as tabled in 3(3).
- (3) Seek permission from the MEC to extend current acting arrangements in line with the Local Government: Municipal Systems Amendment Act No. 3 of 2022 gazetted on 26 October 2022 .

- 2 That a discretionary allowance of 12% be paid per month on the technical basic portion / salary of the remuneration of the acting employees for the duration of the acting period.

(OFFICE OF THE CITY MANAGER)

(GROUP CORPORATE AND SHARED SERVICES)

(Acting Group Head: Group Human Capital Management)

(Moogsyn Jones)

(Tel. (011) 407-6785)

Item 7 AUTHORISATION TO SUBMIT OBJECTIONS AND
APPEALS ON BEHALF OF THE CITY OF JOHANNESBURG
FOR RESOLUTION IN TERMS, OF THE MUNICIPAL
PROPERTY RATES ACT 6 OF 2004 (MPRA)

RESOLVED

- 1 That Council approves the report to submit objections and appeals to the Valuation Appeal Board, as stipulated in the Municipal Property Rates Act 6 of 2004 (MPRA) as amended.

- 2 That Council approves the report to submit objections and appeals to the Valuation Appeal Board, as stipulated in the Municipal Property Rates Act 6 of 2004 (MPRA) as amended.

(GROUP FINANCE)

(Veli R. Hlophe)

(Deputy Director: Policy & Revenue Enhancement)

Item 8 INTRODUCTION OF COJ: PUBLIC
ROAD BY-LAWS

RESOLVED

- 1 That in terms of section 7(1) of the Rationalisation of Local Government Affairs Act, 1998, the Council declares its intention to amend its Public Road By-law as set out in Annexure A.
- 2 That the Council approves the public participation for these by laws in line with S 21 A of the Municipal Systems Act.
- 3 That Secretary of Council publish the notice to the item in the Provincial Gazette and 4 local newspapers to the effect that the Council announces its intention in terms of Paragraph 1 above and with a view to allowing the public to comment on such by-laws within a period not less than 1 month after publication of the notice.
- 4 That the Section 79 Transport Committee in consultation with the MMC: Transport and all interested parties, report on the comments received in terms of Paragraph 1 above with recommendations on the final draft of the by-laws.

(TRANSPORT)

(Ian Boyd)

(Deputy Director: Compliance and Support)

(Tel. (011) 021-8718)

Item 9 INTRODUCTION OF THE COJ:
PUBLIC TRANSPORT BY-LAWS

RESOLVED

- 1 That in terms of section 7(1) of the Rationalisation of Local Government Affairs Act, 10 of 1998, the Council declares its intention to repeal the Metered Taxi, Minibus, Midibus and Bus By-law and introduce a new Public Transport By-law as reflected in Annexure 'A'.
- 2 That the Council approves public participation for these by laws in line with S 21 A of the Municipal Systems Act

- 3 That the Secretary of Council publish the notice to the item in the Provincial Gazette and 4 local newspapers to the effect that the council announces its intention in terms of paragraph 1 above and with a view to allow the public to comment on such by-laws within a period not less than 1 month after publication of the notice.
- 4 That the Section 79 on Transport in consultation with the MMC : Transport and all interested parties, report on the comments received in terms of Paragraph 1 above with recommendations on the final draft of the by-laws.

(TRANSPORT)
(Ian Boyd)
(Deputy Director)
(Tel. (011) 021-8718)

Item 10 REQUEST FOR APPROVAL OF THE
ROODEPOORT CBD TRANSPORT
MASTER PLAN, 2021

RESOLVED

That Council approve the Draft Roodepoort CBD Transport Master Plan, 2021 so that it can be a tool for all City Departments and Entities that have an impact on the success of the transport system, to work together better, and where possible to align their business planning and budgeting processes to work towards the overlapping goals of each Department's diverse mandates.

(TRANSPORT)
(Pumza Mvinjelwa Nobuntu Ciko Duze
& Daisy Dwango)

Item 11 RETURN ON IMPLEMENTATION OF
DECISIONS OF COUNCIL FOR THE PERIOD
DECEMBER 2021 TO AUGUST 2022

RESOLVED

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

(OFFICE OF THE CITY MANAGER)

- Item 12 CITY OF JOHANNESBURG MFMA IN-YEAR FINANCIAL REPORT FOR THE PERIOD ENDED 31 AUGUST 2022

NOTED

(GROUP FINANCE)
(Phindile Tshezi)
(Assistant Director: Financial Analysis)
(Tel. (011) 021-3350)

- Item 13 APPROVAL OF FINAL EVALUATION OUTCOMES OF MANAGERS DIRECTLY ACCOUNTABLE TO THE CITY MANAGER (SECTION 57 MANAGERS) FOR THE 2020/21 FINANCIAL YEAR

RESOLVED

- 1 That the recommended individual performance scores and rewards reflected in Table 4 above be approved in terms of the City's performance management policy for Section 57 Managers.
- 2 That the performance bonuses of the Section 57 Managers be paid in accordance with Section 8 of the Local Government Municipal Performance Regulations for Municipal Managers and Managers directly accountable to the Municipal Manager, 2006.

(OFFICE OF THE CITY MANAGER)
(Thandiwe Mkhonza)
(GSPCR)

- Item 14 COMMENCEMENT OF RECRUITMENT AND SELECTION PROCESS FOR FIVE (5) SENIOR MANAGER POSITIONS

RESOLVED

- 1 That the contents of this report be noted.
- 2 That Council recommends the re-advertisement of the following positions:
 - (1) Chief Operations Officer;
 - (2) Executive Director: Economic Development;
 - (3) Executive Director: Health;
 - (4) Group Chief Financial Officer;
 - (5) Group Head: Communications and Marketing; and
 - (6) Executive Head: office of the City Manager.

- 3 That Council approves the composition of the respective Interview / Selection Panels as reflected in the table below:

No.	Position	Composition of Selection Panel
1	Chief Operations Officer	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.
2	Executive Director: Economic Development	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.
3	Executive Director: Health	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	Group Chief Financial Officer	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.
5	Group Head: Communications and Marketing	a. Chairperson: CM. b. One Councillor designated by the Municipal Council (preferably Mayoral Committee Member or relevant portfolio head) c. An external expert as designated by the CM.
6	Executive Head: Office of the City Manager	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)
(Director: Field and Transaction)
(Moogsyn Jones)

Council agreed Item 15 and 16 should be read and debated together.

Item 15 ADJUSTMENT OPERATING BUDGET
FOR THE 2022/23 FINANCIAL YEAR

RESOLVED

- 1 That the Adjustment Operating Revenue and Expenditure for Core Administration and Municipal Entities as set out in Annexure A, B, C and D be approved.
- 2 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.
- 3 That the risks highlighted in the body of the report be noted and mitigated.

- 4 That efficiency measures to manage expenditure within the final adjusted budget allocations be continued by all Departments and Entities.

DA dissent

(GROUP FINANCE)
 (DIRECTOR: GROUP BUDGET AND PLANNING)
 (Ntuthuzelo April)
 (Tel. (011) 358-3290)

Item 16 ADJUSTMENT CAPITAL BUDGET
 FOR THE 2022/23 FINANCIAL YEAR

RESOLVED

- 1 That the Adjustment Capital Budget for 2022/23 amounting to R6 375 220 000 as set out in Annexure A and B be approved.
- 2 That the budget requests to adjust the Capital Budget for the 2023/24 and 2024/25 Financial Years be considered in conjunction with the medium-term budget process for 2023/24 – 2025/26.

DA dissent

(GROUP FINANCE)
 (DIRECTOR: GROUP BUDGET AND PLANNING)
 (Ntuthuzelo April)
 (Tel. (011) 358-3290)

Item 17 2022/23 MID-YEAR REVIEW OF THE
 INSTITUTIONAL SERVICE DELIVERY AND
 BUDGET IMPLEMENTATION PLAN (SDBIP),
 DEPARTMENTAL AND MUNICIPAL
 ENTITIES BUSINESS PLANS

RESOLVED

- 1 That the proposed amendments to the Institutional Service Delivery and Budget Implementation Plan for 2022/23, as detailed in *Annexure A*, be approved.
- 2 That the proposed amendments to the business plans of the municipal entities (Annexure B) and SDBIPs of departments (Annexure C), be approved.
- 3 That the departmental SDBIPs, municipal entities' business plans and Section 57 scorecards be revised to effect the proposed changes, where required.

- 4 That the new strategic direction and the proposed changes be affected from the 3rd quarter reporting on all the SDBIPs, Business Plans and Section 57 scorecards.

(GROUP STRATEGY, POLICY CO-ORDINATION AND RELATIONS)

Item 18 CITY POWER EXTENSION OF KELVIN PPA

RESOLVED

- 1 That Council notes the contents of this report and the outcome of the Public Participation Process to extend the Kelvin Power Purchase Agreement (PPA).
- 2 That Council to rescind resolution of 20 May 2022, sitting to extend Amended PPA by 2 years, and to instead request Council to consider and approve the extension of the PPA for three years up to 31 Oct 2026, to align with the expiry of Kelvin Power's generation license, and City Power Independent Power Purchase (IPP) Procurement Programme, on condition that the extension be re-advertised for public engagement in line with the provisions of Section 116(3) of the MFMA.

(CITY POWER JOHANNESBURG (SOC) LTD)

(Meyrick Ramatlo)

(Executive Manager for Energy Management)

Item 19 OUTCOME OF THE RECRUITMENT AND SELECTION PROCESS AND REQUEST TO RE-ADVERTISE THE POSITION OF GROUP EXECUTIVE DIRECTOR: GROUP CORPORATE AND SHARED SERVICES

RESOLVED

- 1 That Council notes the outcome of the recruitment and selection processes in respect of the Group Executive Director: Group Corporate and Shared Services position.
- 2 That Council approves the re-advertisement of the position of Group Executive Director: Group Corporate and Shared Services.
- 3 That Council approves the Interview Panel that will consist of:
- (1) Chairperson: City Manager.
 - (2) Member of the Mayoral Committee (MMC): Group Corporate and Shared Services (GCSS);
 - (3) External Expert.

DA dissent

(OFFICE OF THE CITY MANAGER)

Item 25 CHANGES IN MEMBERSHIP OF SECTION 79 COMMITTEES AND PROGRAMMING COMMITTEE.

RESOLVED

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

(COJ LEGISLATURE)

BUSINESS FOR COUNCIL MEETING: 23 FEBRUARY 2023

Item 1 PERFORMANCE ASSESSMENT REPORT FOR
THE COMMUNITY DEVELOPMENT DEPARTMENT
FOR THE 2022/2023 FINANCIAL YEAR FOR THE
PERIOD JULY TO SEPTEMBER 2022

DEFERRED

(COMMUNITY DEVELOPMENT)

Item 2 PERFORMANCE ASSESSMENT REPORT FOR
THE JOBURG CITY THEATRES (JCT) FOR THE
2022/2023 FINANCIAL YEAR FOR THE PERIOD
JULY TO SEPTEMBER 2022

DEFERRED

(JOBURG CITY THEATRES)

Item 3 PERFORMANCE ASSESSMENT REPORT FOR
THE JOHANNESBURG CITY PARKS AND ZOO
FOR THE 2022/2023 FINANCIAL YEAR FOR
THE PERIOD JULY TO SEPTEMBER 2022

DEFERRED

(JOHANNESBURG CITY PARKS AND ZOO)

Item 4 OVERSIGHT REPORT OF THE SECTION 79 COMMUNITY
DEVELOPMENT COMMITTEE ON THE 2022/2023 FIRST
QUARTER PERFORMANCE ASSESSMENT REPORT OF THE
DEPARTMENT OF COMMUNITY DEVELOPMENT, JOBURG
CITY THEATRES AND JOBURG CITY PARKS AND ZOO,
FOR THE PERIOD JULY TO SEPTEMBER 2022

DEFERRED

(COJ LEGISLATURE)

(N Manqele)

(Tel. (011) 407-7463)

- Item 5 PERFORMANCE ASSESSMENT REPORT FOR DEVELOPMENT PLANNING DEPARTMENT FOR THE 2022/2023 FINANCIAL YEAR FOR THE PERIOD JULY TO SEPTEMBER 2022

DEFERRED

(DEVELOPMENT PLANNING)
(MI Sekhukhuni)
(Tel. (011) 407-7330)

- Item 6 PERFORMANCE ASSESSMENT REPORT FOR THE JOHANNESBURG DEVELOPMENT AGENCY FOR THE 2022/2023 FINANCIAL YEAR FOR THE PERIOD JULY TO SEPTEMBER 2022

DEFERRED

(JOHANNESBURG DEVELOPMENT AGENCY)

- Item 7 OVERSIGHT REPORT OF THE DEVELOPMENT PLANNING SECTION 79 COMMITTEE ON THE 2022/23 FIRST QUARTER BUDGET AND PERFORMANCE ASSESSMENT REPORTS OF THE DEVELOPMENT PLANNING DEPARTMENT AND THE JOHANNESBURG DEVELOPMENT AGENCY (JDA) FOR THE PERIOD JULY TO SEPTEMBER 2022

DEFERRED

(COJ LEGISLATURE)
(A Ngcaku)
(Tel. (011) 407 7395)

- Item 8 PERFORMANCE ASSESSMENT REPORT FOR THE HEALTH DEPARTMENT FOR THE 2022/2023 FINANCIAL YEAR FOR THE PERIOD JULY TO SEPTEMBER 2022

DEFERRED

(HEALTH)
(P M Ramonyane)
(Tel. (011) 407-6625)

- Item 9 PERFORMANCE ASSESSMENT REPORT FOR THE SOCIAL DEVELOPMENT DEPARTMENT FOR THE 2022/2023 FINANCIAL YEAR FOR THE PERIOD JULY TO SEPTEMBER 2022

D DEFERRED

(SOCIAL DEVELOPMENT)
(Will Tiro)
(Tel. (011) 407-7131)

- Item 10 OVERSIGHT REPORT OF THE HEALTH AND SOCIAL DEVELOPMENT SECTION 79 COMMITTEE ON THE 2022/2023 FIRST QUARTER BUDGET AND PERFORMANCE ASSESSMENT REPORTS OF THE HEALTH DEPARTMENT AND SOCIAL DEVELOPMENT DEPARTMENT FOR THE PERIOD JULY TO SEPTEMBER 2022

DEFERRED

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

- Item 11 PERFORMANCE ASSESSMENT REPORT FOR THE CITY OF JOHANNESBURG LEGISLATURE DEPARTMENT FOR THE 2022/2023 FINANCIAL YEAR FOR THE PERIOD JULY TO SEPTEMBER 2022

DEFERRED

(COJ LEGISLATURE)
(Director: Management Support)
(Mr. Dumisani Dube)
(Tel. (011) 407-7480)

- Item 12 OVERSIGHT REPORT OF OCOL ON THE 2022/23 FIRST QUARTER BUDGET AND PERFORMANCE ASSESSMENT REPORT OF THE LEGISLATURE OF THE CITY OF JOHANNESBURG FOR THE PERIOD JULY TO SEPTEMBER 2022

DEFERRED

(COJ LEGISLATURE)

- Item 13 PERFORMANCE ASSESSMENT REPORT FOR THE ENVIRONMENT, INFRASTRUCTURE AND SERVICES DEPARTMENT FOR THE 2022/2023 FINANCIAL YEAR FOR THE PERIOD JULY TO SEPTEMBER 2022

DEFERRED

(ENVIRONMENT, INFRASTRUCTURE AND SERVICES)

- Item 14 PERFORMANCE ASSESSMENT REPORT FOR THE CITY POWER JOHANNESBURG (SOC) LTD FOR THE 2022/2023 FINANCIAL YEAR FOR THE PERIOD JULY TO SEPTEMBER 2022

DEFERRED

(CITY POWER JOHANNESBURG (SOC) LTD)

- Item 15 PERFORMANCE ASSESSMENT REPORT FOR JOHANNESBURG WATER (SOC) LTD FOR THE 2022/2023 FINANCIAL YEAR FOR THE PERIOD JULY TO SEPTEMBER 2022

DEFERRED

(JOHANNESBURG WATER (SOC) LTD)

- Item 16 PERFORMANCE ASSESSMENT REPORT FOR PIKITUP JOHANNESBURG (SOC) LTD FOR THE 2022/2023 FINANCIAL YEAR FOR THE PERIOD JULY TO SEPTEMBER 2022

DEFERRED

(PIKITUP JOHANNESBURG (SOC) LTD)

- Item 17 OVERSIGHT REPORT OF THE SECTION 79 ENVIRONMENT AND INFRASTRUCTURE SERVICES COMMITTEE ON THE 2022/23 FOURTH QUARTER PERFORMANCE ASSESSMENT REPORTS OF THE ENVIRONMENT AND INFRASTRUCTURE SERVICES DEPARTMENT, PIKITUP JOHANNESBURG, JOHANNESBURG WATER, AND JOHANNESBURG CITY POWER FOR THE PERIOD JULY TO SEPTEMBER 2022

DEFERRED

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

- Item 18 PERFORMANCE ASSESSMENT REPORT FOR THE ECONOMIC DEVELOPMENT DEPARTMENT FOR THE 2022/2023 FINANCIAL YEAR FOR THE JULY TO SEPTEMBER 2023

DEFERRED

(ECONOMIC DEVELOPMENT)
(Sihle Buthelezi)

- Item 19 PERFORMANCE ASSESSMENT REPORT FOR JOBURG MARKET (SOC) LTD THE FOR THE 2022/2023 FINANCIAL YEAR FOR THE PERIOD JULY TO SEPTEMBER 2023

DEFERRED

(JOBURG MARKET (SOC) LTD)

- Item 20 PERFORMANCE ASSESSMENT REPORT FOR THE METROPOLITAN TRADING COMPANY FOR THE 2022/2023 FINANCIAL YEAR FOR THE PERIOD JULY TO SEPTEMBER 2023

DEFERRED

(METROPOLITAN TRADING COMPANY)

- Item 21 PERFORMANCE ASSESSMENT REPORT FOR
THE JOHANNESBURG TOURISM COMPANY FOR
THE 2022/2023 FINANCIAL YEAR FOR THE
PERIOD JULY TO SEPTEMBER 2023

DEFERRED

(JOHANNESBURG TOURISM COMPANY)

- Item 22 OVERSIGHT REPORT OF THE ECONOMIC DEVELOPMENT
SECTION 79 COMMITTEE ON THE 2022/2023 FIRST
QUARTER PERFORMANCE ASSESSMENT REPORTS OF
THE DEPARTMENT OF ECONOMIC DEVELOPMENT,
JOHANNESBURG PROPERTY COMPANY, JOHANNESBURG
MARKET, METROPOLITAN TRADING COMPANY AND
JOHANNESBURG TOURISM FOR THE PERIOD JULY TO
SEPTEMBER 2022

DEFERRED

(COJ LEGISLATURE)

(Tokelo Nhlapo)

- Item 23 TERMS OF REFERENCE – SECTION 79
TRANSPORT COMMITTEE

DEFERRED

(COJ LEGISLATURE)

(Tikanelo Tseki)

(Tel. (011) 407-6423)

- Item 24 GEYODI COMMITTEE OVERSIGHT VISIT
REPORT TO PATERSON PARK MULTI-PURPOSE
CENTRE TO CHECK ADHERENCE OF DISABILITY
ACCESSIBILITY

DEFERRED

(COJ LEGISLATURE)

(Ms K Mtunzi)

(Tel. (011) 407-6662)

- Item 25 GEYODI COMMITTEE OVERSIGHT VISIT
REPORT TO THE SEX WORKERS AND
TRANSGENDER CLINICS, ESSELEN STREET,
HILLBROW

DEFERRED

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

- Item 26 REPORT ON THE ESTABLISHMENT
OF THE WARD COMMITTEES FOR
THE TERM OF 22/26 - RESUBMISSION

DEFERRED

(COJ LEGISLATURE)
(Maggie Govender)
(Tel. (011) 407-7129)

- Item 27 A SUPPLEMENTARY REPORT TO REQUEST COUNCIL
TO APPROVE THE APPOINTMENT OF THE CITY MANAGER
IN TERMS OF SECTION 59 (3) (a) OF THE MSA READ WITH
REGULATION 17 (2) OF REGULATIONS ON APPOINTMENT OF
SENIOR MANAGERS FOLLOWING AN AMENDED RESOLUTION IN
RESPECT OF ITEM 24 ON THE AGENDA DURING THE IN-COMMITTEE
SESSION OF COUNCIL MEETING HELD ON 22 OF FEBRUARY 2023

Councillor Christians (DA) rose on a point of order and said the item was an In-Committee item yesterday, 22 February 2023, the same with the documentation supplied, the report was now brought to open Council. He asked Council to obtain legal advice on whether this was a proper process being followed on this item.

The Speaker responded that she will consult with Legal and revert to Council.

Councillor Nkokou (PAC) in his address said he rose on behalf of the PAC and the minorities government that they received a report that was not misleading, a report that was not based on telling the opposite of truth. He further said that they fully supported the report and its recommendations in totality.

Councillor Mhlongo (AIC) in his address said the Government of Local Unity wants to give council and the residents of the city the truth and only the truth. He further thanked the new Executive Mayor for acting in a manner that sought to rectify a previous misrepresentation to council by the previous administration, which would have resulted in a probable litigation against the city, if it was challenged. Putting more strain on the finances of the city, in the backdrop of what the city was finding itself in, in terms of legal fees that have ballooned to unacceptable levels. He added

that the AIC together with the minority parties in government, welcome and accept the recommendations unconditionally.

Councillor Liebenberg (ActionSA) in her address said the report where Mr Floyd Brink was cleared of all wrongdoing, that would have led him to passing the vetting requirements, was withheld from the House. At the time, when an item reporting on the outcome of the recruitment and selection process, and request to re-advertise the position of the City Manager was approved in Council on 5 August 2022, therefore, the approval of this item is a farce.

She further said that it was clear from the report from the Mayor's office titled: Recruitment process and appointment of the City Manager, dated 23 February 2022; that it was resolved by the interviewing and selection panel comprising of our former Executive Mayor, Councillor M Phalatse, the former MMC of GCSS, Councillor L Knott, two additional Councillors as designated by the Executive, as well as an external expert designated by the Executive Mayor. That the second candidate on their list should be appointed as the City Manager should the first candidate on the list not accept the appointment or be disqualified for any valid reason. She added, the fact that the first candidate accepted an appointment in the City of Tshwane, meant that Mr Brink was now the next candidate, and further said that all the above point to Mr Brink being appointed as the City Manager in the City of Johannesburg. She concluded that ActionSA had requested for an amendment to recommendation 2.4, on the item tabled yesterday and the amendment were done, therefore, they agree with the report.

Councillor Raseruthe (EFF) in his address said as the Economic Freedom Fighters, they are indeed vindicated in witnessing justice prevail. He added that Mr Brink's departure as the City Manager was not a pleasant experience to witness, as he was unlawfully expelled by the previous administration and his only crime was championing service delivery imperatives and that he implemented good governance practices to the latter. He further said that as an organization that stands for justice, and always on the side of the victims, they are happy to be part of council today, to see justice prevail. He added that Mr Floyd Brink was a highly respected figure among his peers, he was a seasoned and competent Senior Administrator who was tried and tested in the City of Johannesburg before. He further said that the candidate was energetic and young and had just turned 40 years old not so long ago. He added that Mr Brink was a classic example of excellence, that happened to be black and as the EFF, they had no reason to oppose his appointment and as such they approve the report.

Councillor Marais (DA) in his address said this report could only be brought because of the Council resolution of yesterday, which approved the resolution in terms of which the executive was directed to take steps to appoint Mr Floyd Brink as City Manager. He added what was said in regards to the procedure, which was adopted yesterday still stand, that those proceedings were unlawful and not in accordance with the principles of natural justice, and further said he wanted to place it on record because the proceedings in questions were during an In-Committee meeting and will not have been heard by the members of the public, he will repeat what was said, in regard to the procedure now.

He thereafter explained that a report was brought to Council yesterday as an Urgent Report, as per Rule 64 of the Standing Rules and Orders of Council, without prior notice and yet no basis was laid for the urgency. He added that the recommendations

concerning the investigations which were sought to be approved by Council, by their nature, could not be dealt with on an urgent basis as their actions which was sought, in

terms of the recommendations, relied upon further processes being engaged; moreover, included in those recommendations was the direction that Mr Floyd Brink the ex-acting City Manager be appointed as the City Manager.

He added, as there was an acting City Manager in place and the processes of government continued under his management, the city could suffer no prejudice if the report of yesterday, were to be dealt with at the meeting of council scheduled in March. He further said that it was pointed out yesterday that this would allow enough time for a proper response to be prepared to the allegations contained in that and unfortunately, that request despite being imminently reasonable, was denied. He further added that it was also pointed out that the allegations contained in the report were numerous and several documents attached to the report, all of which required time and research to respond to serious charges of manipulation of City processes were made against Councillors and Senior officials in the City.

He further pointed out the basis upon which the resolution was requested, in terms of which it was directed at the Executive to appoint Mr Floyd Brink, was also based on the veracity of those allegations which were made regarding those charges. He added that the report was one sided and only reflected the allegations of the complainant, the aggrieved former acting City Manager; there were no responses to these allegations contained in the report, nor had any opportunity given to those against whom it was recommended that investigations be instituted, to properly deal with and respond to them.

He thereafter said it was pointed out that Section 33 of the constitution compels Municipal Councils to engage in administrative action that are lawful, reasonable and procedurally fair. In the case of local authority, this meant that the action concerned must also be procedurally fair regarding the municipality and its various delegated officers, bodies and officials, and the residents it serves. He further said the Council itself was not enabled to properly and fairly conduct a review, in a manner which would be in accordance with the rules of natural justice. There are no processes and procedures of the council itself, in terms of which there can be a full and proper testing of the allegations in an unbiased and lawful decision, as to whether the steps sought to be approved were proper and lawful, with reference to the requirements of Section 33. He added that Section 33 also made it plain that administrative actions can only be reviewed by court, or where appropriate an independent and impartial tribunal. Despite the aggregation of all these factors and it being pointed out to the Speaker, that the Council was not the super tribunal, the Speaker allowed the matter to proceed and the recommendation to be put to the right to a vote.

Councillor Marais (DA) thereafter added that their contention was that yesterday's proceedings were vitiated by all these aspects that are raised. Accordingly, the process which was brought was premature because there had been no authorization given to the Executive to appoint Mr Floyd Brink. He further said subsequent to the first set of interviews and process to appoint a City Manager, a second process was initiated, and Mr Brink was part of the candidates that were shortlisted in that process. He added that what happened was that it was found out that he did not comply with the minimum requirements for the position of City Manager and for that reason he was not, in fact interviewed. He further said the recommendations were that the previous acting City Manager, Mr Bryne Maduka, should be the preferred candidate in terms of those findings. He added their position was that a duly constituted panel had already

found that Mr Brink did not have the requisite minimum qualifications required, in terms of the regulations which bind this municipality. Therefore, his appointment in that position as a City Manager would be unlawful, and it was their intention as the Democratic Alliance, to vote against the appointment and place on record that they believe the whole process was unlawful and invalid.

MMC Kunene K (PA) in his address said ActionSA, Inkatha Freedom Party, ACDP will concur with him that the report spoken about was concealed from them too, even though they were in a coalition partnership. He added that the lie found its way to council and all these parties were misled to vote for a lie but because the ancestors are not sleeping, the naked truth has come out of his shame of hiding and this report that was concealed with lies has now come out as the naked truth. He further said that the government of local unity has unveiled and exposed the naked truth, now those liars who concealed and allowed the truth to run around the world are now lecturing them about the law and processes.

The Speaker addressed MMC Kunene and asked him to withdraw and refrain from calling other councillors liars, as that kind of language was not allowed in the chamber.

MMC Kunene responded and said he meant those who were economic with the truth, and he withdraws the word liar. He continued that council was now being lectured about processes and the law because whenever they do not get their way, they threaten to run to the courts and abuse our court processes. He further said that they were standing in truths and unfortunately, Mr Floyd Brink was scored second-best by their panel and now the DA was telling council between last year or this year, Mr Brink was no longer qualified to be a City Manager. He added that was contradictory of the same panel that scored him second candidate because he was best, he qualified because he performed well as the acting City Manager, he asked council to approve the report.

Councillor Raphadu (ANC) in his address said there was a clear case of miscarriage of justice against Mr Floyd Brink. He added that the level of cover up by the DA led multiparty government was only seen in the movies; charges were cooked up, reports were hidden, lies were told.

He thereafter said the recruitment and selection panel made the recommendation and chose the deserving candidates in February 2022. The panel decided the first ranked candidate be appointed as the City Manager and subsequently said the second ranked, Mr Floyd Brink should be appointed, should the first ranked candidate not accept the appointment or be disqualified for any valid reason. He added that the wheels of the cover up started to turn with the appointment of Mr Mettler, in the City Tshwane, that was when the dubious allegations against Mr Brink started to surface; the interview panel authorized and instructed the Mayor or her nominees to investigate these findings, the investigations were done, and the appointed law firm MJS Attorney found Mr Brink not guilty. He added as characteristic of the DA led multiparty coalition, they hid the report because of their hate for Mr Brink, they decided to cover the report because they knew they were compelled to hire him.

in obstruction of justice. He further said considering all these criminal and unethical actions by the DA led coalition government, God decided to say no to their cruel deeds. What Council did yesterday by rescinding that unjust, cruel decision to re-advertise and deprive Mr Brink of that opportunity.

Councillor Echeozonjoku B (DA) rose on a point of order and asked Councillor Raphadu to withdraw the word criminal as nothing had been proven in court.

Councillor Raphadu in his response said he will withdraw from using the word, but the actions were criminal in intent and withdrew, nonetheless. He continued his address and said what council did yesterday in rescinding that unjust, cruel decision to re-advertise and deprive Mr Brink of the opportunities founded in law. Regarding the powers of Council in terms of Section 59 (3) of the Municipal Systems Act to review its own decisions by the judgement of the High Court in the matter of Nelson Mandela Bay Municipality and others versus Anele Xaba and others, case number 862/22, that gives them the right in law, to do what they did yesterday. He concluded that as the ANC, they agreed with the recommendations.

MMC Masuku in her response said she wanted to clarify that the report was a supplementary report to yesterday's report, and yesterday's report was very clear that it was an enforcement report empowering the Speaker.

Councillor Christians (DA) addressed Council and said he was still waiting for the Speaker to rule on the matter that he had raised earlier on this report. He further said based on MMC Masuku's response that the report was a supplementary report to an In-Committee report, then the report should be heard in an In-Committee and that the current procedure was illegal.

The Speaker responded that she still did not know what Councillor Christians' point of order was because she had already said she would revert to Council with a ruling.

MMC Masuku continued with her response and said she was interrupted before she could finish speaking. She said the matter that the council was dealing with now was to correct an unjust decision that was taken, and council had empowered the Executive Mayor. She further said that nothing was done in hiding, it must be known by the citizens of Johannesburg how the City of Johannesburg deals with recruitment processes. She added that there had never been an In-Committee meeting for any recruitment process of any City Manager, Section 56 Manager and that recruitment processes are transparent in this Council.

She addressed Councillor Liebenberg and said she appreciated her point and that her take away from Councillor Liebenberg was that had they known better; they probably would have acted differently. She further agreed with Councillor Raseruthe's posture on Mr Brink and added that in the report where Mr Floyd Warren Brink was ranked number 2, in terms of Strategic Direction and Leadership; he scored competent on the following skills: People Management, Programme and Project Management, Financial Management, Change Management; Governance Leadership, Moral Competence, Analysis and Innovation, Communication etc, the candidate is indeed competent. She further addressed Councillor Marais, who speaks of the Executive having to wait for

council sitting of March and asked why the Executive had to wait, justice delayed was justice denied.

She further added that she wanted to make a point that Mr Brink's process was concealed from council and they cannot speak on something they did not know. She added it was interesting that Councillor Marais spoke of natural justice; she said natural justice requires adhering to procedural fairness and hearing the other side, but Mr Brink was never given an opportunity for him to clear his name. Instead, he was subjected to reports that were concealed from this very chamber. She further said it was not true that anyone was judged, instead, it was recommended that there must be a due process to deal with the officials and a due process to deal with political office bearers who may have committed anything. She said there were no decision taken on any official or politician, they merely made recommendations.

She concluded that the process taken today complies with natural justice, which seeks for council to rectify and make take a decision that was taken based on an incorrect information. This was done in order to correct a clear prejudice against an individual as a result of not being favoured. The MMC requested Council to approve the appointment of Mr Floyd Warren Brink as per recommendations.

The Speaker responding to Councillor Christians said the report was not an In-Committee report. She added that In-Committee reports were dealt with yesterday, 22 February 2023 and that report was from the Office of the Speaker, the item being dealt with currently was from the Executive.

Voting commenced and the results are as follows:

FOR: 182
AGAINST: 65
ABSTENTION: 2

RESOLVED

1. That the Municipal Council notes that this is a supplementary report to Item 24 dated 22 February 2023, which was tabled, amended, and approved by the in-committee on even date.
2. Notes that it is submitted following the verification of the recruitment process of the City Manager as directed by Council and it confirms the following:
 - 1.1 The recruitment process that was followed and decision taken by the panel to recommend Messrs Mettler and Brink complied with the requirements.
 - 1.2 The decision by the panel to accept Mr Mettler's refusal to accept the offer complied with the requirements, and that his failure to disclose his meeting with the previous Executive Mayor may have disqualified his candidacy.
 - 1.3 The recommended appointment of Brink by the panel complied with the requirements after Brink was cleared by both the combined investigation report of MJS dated 29 July 2022 and separate report dated 29 August 2022.

- 1.4 The report that was tabled in Council on 05 August 2022 to re-advertise and the decision to re-advertise the position of the City Manager misrepresented the investigation outcomes of MJS Attorneys, and prejudiced Mr Brink.

3. Approves the recommended appointment of Mr Brink to be the City Manager in terms of section 59 (3) (a) of the Municipal Systems Act read with Regulation 16 (5) and 17 (2) of the Regulations on Appointment and Condition of Services of Senior Manager and authorise the executive mayor to give effect to this:
 - 3.1 By offering Mr Floyd Brink a 5-year fixed term employment contract provided it does not go for more than 1 year following the end of this term of Local Government;
 - 3.2 That the Executive Mayor or his nominee be authorised to negotiate and finalise the terms of conditions of the fixed term employment contract, remuneration, performance contract and security clearance subject to applicable Municipal regulations.

(OFFICE OF THE EXECUTIVE MAYOR)

DA dissent

7 MOTIONS

The following Motions were deferred to the next Council meeting.

- MOTION 1: NAMING OF STREETS IN ORANGE FARM, EXTENSION 3
- MOTION 2: REPLACEMENT OF MAHATMA GANDHI'S STATUE WITH THAT OF MAMA WINNIE MANDELA
- MOTION 3: ERADICATION OF THE BUCKET TOILET SYSTEM
- MOTION 4: FEASIBILITY STUDY INTO SURFACING OF ROADS IN ELIAS MOTSOLEDI, WARD 24
- MOTION 5: RECOMMENDING THE CITY OF JOHANNESBURG COUNCIL TO PASS A VOTE OF NO CONFIDENCE AGAINST THE CHAIRPERSON OF SECTION 79 GENDER, YOUTH AND PEOPLE WITH DISABILITIES (GEYODI) COMMITTEE, CLLR NAKITA DELLWARIA
- MOTION 6: RECOMMENDING THE CITY OF JOHANNESBURG COUNCIL TO PASS A VOTE OF NO CONFIDENCE AGAINST THE CHAIRPERSON OF SECTION 79 COMMUNITY DEVELOPMENT COMMITTEE, CLLR N SIFUMBA
- MOTION 7: RECOMMENDING THE CITY OF JOHANNESBURG COUNCIL TO PASS A VOTE OF NO CONFIDENCE AGAINST THE CHAIRPERSON OF SECTION 79 COMMITTEE ON ENVIRONMENT, INFRASTRUCTURE AND SERVICES, CLLR LERATO NGOBENI
- MOTION 8: RECOMMENDING THE CITY OF JOHANNESBURG COUNCIL TO PASS A VOTE OF NO CONFIDENCE AGAINST THE CHAIRPERSON OF SECTION 79 PUBLIC SAFETY COMMITTEE, CLLR S MAILA.

- MOTION 9 RECOMMENDING THE CITY OF JOHANNESBURG COUNCIL TO PASS A VOTE OF NO CONFIDENCE AGAINST THE CHAIRPERSON OF SECTION 79 GENDER, YOUTH AND PEOPLE WITH DISABILITIES COMMITTEE, CLLR NAKITA DELLWARIA
- MOTION 10 MOTION RECOMMENDING THE CITY OF JOHANNESBURG COUNCIL TO PASS A VOTE OF NO CONFIDENCE AGAINST THE CHAIRPERSON OF SECTION 79 COMMITTEE ON ENVIRONMENT, INFRASTRUCTURE AND SERVICES CLLR L NGOBENI.
- MOTION 11 RECOMMENDING THE CITY OF JOHANNESBURG COUNCIL TO DEVELOP AN INTER-DEPARTMENTAL COLLABORATION FRAMEWORK WHICH WILL ENCOURAGE MORE COOPERATION BETWEEN DEPARTMENTS AND ENTITIES
- MOTION 12 RECOMMENDING THE CITY OF JOHANNESBURG COUNCIL TO COMMENCE A PROCESS OF DETERMINING WHICH JURISDICTION THE COMMUNITY OF PHUMLA MQASHI FALL UNDER IN ORDER FOR THEM TO RECEIVE BASIC MUNICIPAL SERVICES.

8 ANNOUNCEMENTS AND CLOSURE BY THE SPEAKER

Councillor Dammie (ANC) wanted to make the Speaker aware that there was a gang related war at Westbury and Eldorado Park, where 21 people had lost their lives, she added that she was worried about the safety of councillors because many of them were travelling in that direction to reach home.

Councillor Meyers (DA) concurred that it really was a sad situation and they needed councillors to be safe, he sent prayers to the communities that are enduring the violence.

The Speaker requested MMC Tshwaku EFF, Public Safety, to engage the Whip of Council and whips of political parties and grant them guidance on plans to ensure the safety of councillors and officials in getting home.

The Executive Mayor confirmed that MMC Tshwaku was busy engaging with JMPD and trying to ensure there was safety particularly in that region.

The Speaker said the meeting would be adjourned but the MMC must then engage the whips of political parties.

Councillor Arnolds (AIC) confirmed that the whips were already in communication with MMC Tshwaku on how councillors will leave council precinct. She further said, there were people killed in Florida and Westbury, she added there was currently a shooting happening in Eldorado Park, she confirmed there was an arrangement on how councillors to Eldorado Park will be travelling.

MMC Tshwaku confirmed they had spoken to the Chief of Police and the Director of Special Operation who are both on their way to the areas. He further added that the situation in Eldorado Park was the situation they will dealing with over the weekend. He added they have 3 saturation units, in the CBD, Yeoville and Hillbrow, going into those infamous areas and they are deploying officers right now to Eldorado Park.

THE MEETING ADJOURNED AT 22:36.



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SPEAKER OF COUNCIL
CLLR C MAKHUBELE

02/05/2023

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DATE

