



MINUTES OF THE 10th COUNCIL MEETING OF THE CITY OF JOHANNESBURG MUNICIPALITY HELD ON THURSDAY 26 JANUARY 2023, AT 10:00 AT THE CONSTANCE CONNY BAPELA COUNCIL CHAMBER, METROPOLITAN CENTRE, BRAAMFONTEIN.

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1 OPENING

The Speaker asked Councillors to observe a moment of silent and prayer.

She thereafter addressed Council as follows:

"Good morning, once again Councillors and also to our guests. I thank you for honouring this invitation for the 10th Ordinary meeting and also the 13th Extra-Ordinary meeting which will be tomorrow. I want to welcome you back from the festive season, from our recess. I trust that you had a restful time, blessed time and also a safe time. For those who lost loved ones, we send our sincere condolences to you, and we hope that everybody had a good holiday.

To the Executive Mayor of the City of Johannesburg, Councillor Mpho Phalatse; Whip of Council, Councillor Nkosephayo Zungu; Chair of Chairs, Councillor Lloyd Phillips; all political party leaders and whips; Members of the Mayoral Committee; Chairpersons of the Section 79 Committees; fellow Councillors; acting City Manager, Mr Bryne Maduka; acting Secretary to Council, Mr Andile Gobinca; officials of the City of Johannesburg; residents of the City of Johannesburg; members of the Media; ladies and gentlemen, I welcome you all to the 10th Ordinary Council meeting of the City of Johannesburg municipality and the 13th Extra-Ordinary Council meeting to be convened tomorrow, the 27 January at 10:00".

She further addressed Council as follows:

"Let me also acknowledge the presence of our guests herein. I was informed that our Premier might be coming, I have not seen him, if he is here, we welcome him. We have the leadership, both the Provincial and the Regional leaders of the ANC. I do have the name of the Provincial Secretary, Mr Sasabona Manganyi who is leading the delegation, we welcome you and the leadership.

I have got the leader of the Democratic Alliance, Mr John Steenhuisen, I welcome you and the leadership of the Democratic alliance.

I have the name of the leader of the ActionSA Provincial leader Mr Bongani Baloyi, I welcome you and the entire leadership.

I have the President of the Patriotic Alliance, Mr Gayton McKenzie and the Deputy President, Mr Kenny Kunene, I welcome you, and the entire leadership of the Patriotic Alliance.

I have, I am not sure if that's Miss or Mr, but I have got Euleanne Crawford, the leader of the AIC, I welcome you and the entire leadership of the AIC.

I have Mr. William Siko, the leader of ATM, we welcome you and the entire leadership of ATM.

We have the Regional and I am told there could be the Provincial leadership of the EFF, the Economic Freedom fighters, I have here Mr Moshe Koma, we would like to welcome you and the entire leadership of the EFF.

We have the leadership of the APC, led by Mr Eddie Shabangu, welcome to you and the entire leadership of the APC.

We have Mr Daniel Benjamin leading the UDM, we would like to welcome you and the entire leadership of the UDM.

We also have the leadership of the PAC, Mr Ntate Puso, we would like to welcome you and the entire leadership of the PAC.

If we have missed any leader that is here, please register your name with my Protocol team, we will acknowledge you. But I also want to acknowledge all other parties that are represented here. Al Jama-ah, AHC, and also the most progressive Congress of the People, you are welcome.

I also would like to welcome the special guests that I have been informed might be here. I have mentioned our Premier, if he is here, honourable Lesufi; mme Tshidi Mfikoe, Member of Parliament; ntate Solly Mogase, former Chief Whip of Council; former MMC, Miss Tania Oldjohn; former Section 79 Chairperson, mme Mapule Khumalo and former MMC and also Regional leadership of the ANC, Mr Chris Vondo. We welcome, Mr Bruce Sarella and Miss Bernice Schwartz. On that note, I would like to also welcome all our residents and everybody that has attended this session, you are all welcome.

May we please rise with our guests for a moment of silence on particular items that I will list. Thank you, Councillors. This is a moment of silence, we have received news that Mma Lydia Meshoe has passed on from the ACDP, she was the wife of ntate Kenneth Meshoe. We also rise for a moment of silence for the victims of the Boksburg explosion. We also rise for our flood victims in the City of Johannesburg. We also rise for a moment of silence for all the victims of illegal evictions that are happening around the City. We rise for a moment of silence for all the men and women that we have lost through the gun violence in Eldorado Park and the surrounding areas. And finally, for our former Speaker of the National Assembly, the first Speaker, Ma Ginwala.

Thank you, Councillors and our guests, you may take your seats. On a more positive note, I would like to congratulate the Executive Mayor who got married in December. We wish you well. Thank you, Councillors. I know we have the African way of congratulating, you can do that during recess with songs and praise and well wishes when we have a break.

Councillors, I would like to acknowledge and thank all the Councillors, I do not have all the names, but the Councillors that were busy throughout recess assisting our flood victims and those who are assisting us, more especially the victims of the church ritual. I would like to have a special mention to Councillor Marema, we have seen your hard work. We have seen you walk through that journey with the family, and we thank you for working tirelessly to ensure that each and every victim got a dignified funeral and the assistance that they needed. Shall we clap hands for Councillor Marema. All the other Councillors that have been helping, we have noted you, we have a list, and I am so grateful and would like to say thank you so much for your selfless service and

for sacrificing your festive season and your time to ensure that our residents feel the warmth and love of the caring City that we are.

I also would like to congratulate Joburg Zoo for hosting a sterling Festival of Lights event in Joburg. It was beautiful. I attended it and we thank you for really putting us on the international map. The City of Joburg also hosted the International Summer Cup debate. We had students across the continent, Lesotho, Tanzania, Kenya and more, and we thank you and the officials that were involved in that event during the recess. Finally, we are also celebrating Alexandra's 110th birthday anniversary, we also want to continue to wish them well."

The Speaker asked Legal to confirm quorum and announced that there were 266 Councillors that had signed the register and that there was a quorum. She urged Councillors who had not signed the register to do so.

2 APPLICATIONS FOR LEAVE OF ABSENCE

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

Councillor M Van der Merwe : Illness

Councillor Mkhonza requested to leave early due to urgent private business

Councillor Mphahlele requested to arrive late

3 OFFICIAL NOTICES

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

*Councillor Abdool, F
 Councillor Atterbury, E
 Councillor Benjamin, R F
 Councillor Da Gama, V M
 Councillor Lefutso, L
 Councillor Magwentshu, L C
 Councillor Meyers, T
 Councillor Ngwenya, F N
 Councillor Nkosi, R A L
 Councillor Nofemela, N
 Councillor Ntshidi, T E
 Councillor Ponsonby, D A
 Councillor Wittman-Potter, D D
 Councillor Rafferty, P D
 Councillor Rambani, N S
 Councillor Seerane, M K
 Councillor Simelane, P
 Councillor Tefu, P V
 Councillor Twala, Y A
 Councillor Zazini, A*

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

*Councillor Chame, F
 Councillor Coverdale, D L T
 Councillor Dammie, B H
 Councillor Finn, C E
 Councillor Homer, C
 Councillor Leitch, A N
 Councillor Leshilo, R S
 Councillor Liebenberg, E
 Councillor Mangena, T D
 Councillor Marais, A F
 Councillor Mgaga, B
 Councillor Mmota, L
 Councillor Moloisane, D
 Councillor Nair, R K
 Councillor Ndlela, M C
 Councillor Nenemba, T
 Councillor Nethamba, R
 Councillor Ngema, S V
 Councillor Nkomo, P T
 Councillor Ndzondo, C M
 Councillor Ramaru, G
 Councillor Sesedinyane, M I
 Councillor Sherman, G J
 Councillor Shumba, K A
 Councillor Sobey, A
 Councillor Stewart, A J
 Councillor Stewart, P S
 Councillor Tsotetsi, L Y M
 Councillor Van Dyk, N J*

3.1 Statement by the Executive Mayor

The Executive Mayor addressed Council as follows:

"Good morning. Thank you, Madam Speaker. In her book titled the South Africans, Sarah Gertrude Millin writes beautifully about Johannesburg. Her words written in 1926 almost a century ago, still echo loudly and hopefully with resonance to the Johannesburg of today. And this is what she said: "For good or evil, things happen there. From its restless vitality, spring the excitement of the movement of South Africa. Johannesburg is ardent and urgent. It spurs men to ideas; to action; to competition. There's electricity in its atmosphere. The people that walk about the streets, walk differently from other people in Africa. They speak differently, they think differently. Whatever it is their Johannesburg exists. Quick and strong and whether one loves it or holy or not, there is no town in South Africa in which it is better to live." Now, the question that I wish to ask all of us to ponder on today, what is it that we are doing to ensure that in 2026, the residents of Johannesburg can say without a doubt that there is no town or City in South Africa in which it is better to live. What can we

do to ensure that our Johannesburg can once again spur men to ideas; to action; to competition, and these are the kinds of questions we should all ponder and reflect as we introspect about our role and contribution as public representatives. Our Johannesburg will not only have electricity in the atmosphere, but it will also have electricity in households. Investors will come to Joburg to do business, in our Johannesburg there will be no capital flight. There will be investor overflow.

Johannesburg deserves nothing less. From its vitality, there must spring hope. Our tenure must restore Johannesburg to its rightful place as the heartbeat of South Africa's economy. Shaping the pace, the movement, and the growth of our beautiful country.

Councillors, this is our first Council of the year, and it would be remiss of me not to say compliments of the new season. Good wishes to all of you for the year ahead and may the good Lord bless you all. Now, whilst this is the beginning of the calendar year, it is also the middle of our municipal Financial Year. It is therefore time to pause and reflect on the journey that we have traversed thus far and accordingly tweak our plans here and there. Hence, we are in the middle of the adjustment budget process to find alignment between our plans and the pace of implementation.

In the last few months, we have had some difficulties. The months have been characterised by political instability as we wrestle each other for control of our City. An illegal administration was installed for 25 days and attempted to change the course of history. In the process, the biggest losers have unfortunately been the 6 million residents of Johannesburg. Joburg residents watched with disappointment as politicians squabbled for power at their expense. The resilience of our democratic institutions was put to test and as Democrats, we breathed a sigh of relief when finally, the supremacy of our Constitution was reaffirmed, and the rule of law prevailed.

We are here again in a moment of Déjà vu, entertaining ourselves in a merry go round, while the development agenda is shoved to the periphery. Such is the tragedy of our politics, yet the enormity of our challenges is beyond question. We can no longer afford to spend time squabbling about trivia, our Council yearns for constructive opposition. It yearns for an executive that is seized with a development agenda, not fending the fires of frivolous motions of no confidence, that is what we collectively owe the people of Johannesburg.

*President Obama's observation about the state of modern politics could not have been more apt in his book, *The Audacity of Hope*. Obama laments that what is troubling is the gap between the magnitude of our challenges and the smallness of our politics. The ease with which we are distracted by the petty and trivial, our chronic avoidance of tough decisions, our seeming inability to build a working consensus to tackle any big problem. We are sitting here with an administration in limbo without a City Manager, a Chief Operations Officer, without a DBSA loan all because we have allowed ourselves to be distracted by petty and trivial and our chronic avoidance of tough decision making, in our inability to build a working consensus.*

We must indeed bridge the gap between our challenges and our politics, our politics must be people centred, not self-centred. This is a message not only for the opposition

but for the multi-party government as well. The people of Johannesburg have suffered enough. They want consistent electricity supply, not Eskom's blackouts. They want

running water. They want their rubbish collected on time. They demand to live in a safe environment, free from crime and violence. They are looking for economic opportunities to improve their livelihoods. We owe it to them to make this year, starting from this last half of this Financial Year, different and all about them.

Councillors, the torrential rains and flooding of last December have caused too much damage. Families have been left destitute and livelihoods and infrastructure have been destroyed. This has set us back for compounding our infrastructure backlog. We are therefore faced with the daunting task of rebuilding, repairing, and focusing on maintenance of our infrastructure and all of this requires resources and stewardship. Hence the decisions that will be taken in this Council will be very crucial.

Today's Council meeting will be a historic one. We are only a year and three months after the historic and fateful election on the 1st of November 2021, when the people of Johannesburg reaffirmed what they started in 2016 when they voted the ANC out and placed their fate in the hands of coalition government. November 2021 was a reaffirmation that they were tired. The people of Johannesburg reaffirmed their commitment to change, they gave no one an absolute mandate.

The 6 million residents of Johannesburg gave no one an absolute mandate. They voted with their feet to free themselves from the liberators, who subjected them to conditions of squalor, degradation, unemployment and abject poverty. Thus, they asked political parties to work together to improve their social economic conditions, but what makes today's Council meeting even more historic would be its outcome. The sagacious hand of history will judge us for the decisions that we will make today. The choice is clear, we either spit on the face of the electorate by restoring a corrupt and inept government under the leadership of the ANC. Or we reaffirm the wishes of the residents who voted for change. We all know that what happens at local government has a bearing on the national election. We are less than 18 months into the National Elections and the people are watching us. The decisions we make here today, will be a message to the whole of South Africa.

The multiparty government that I am privileged to lead has committed to be a government for all. We reaffirm to serve everyone equally and fairly. We recognise the great disparities in our City and appreciate that governing is about getting priorities right. The people in the informal settlements deserve to have their dignity restored. They deserve quality and reliable service, and they expect nothing less. Our government is committed to serving all constituencies, irrespective of which party dominates in which area. We are prepared to engage with all parties in Council to ensure that as we resolve the binding constraints that staff will develop in the wards, we do it as a united front. Hence, we will soon embark in the process of consultation with all parties represented in Council to ensure that the rebasing is equitable and fair.

As I conclude, I wish to dedicate these remarks to the people of Johannesburg, whom when the time had come for change, voted with their feet to bring about change in Johannesburg. Your vote was not in vain. We shall defend it, and we shall prevail. Johannesburg is ardent and urgent. It will once again spur men to ideas, to action, to competition. There will be no town in South Africa in which it would be better to live. Thank you, Madam Speaker."

4 CONFIRMATION OF MINUTES

(9th Ordinary Meeting held on 23/24 November 2022)

Page 56, under motions: The minutes should have ended off with "Councillor Arnolds stated that during recess she will monitor the Executive Mayor and her executive. A POE will be compiled, and the motion will come back in January if we are not satisfied".

Page 54, 3^d line of the 1st paragraph " honor" to read "honour".

Page 12, paragraph 2, line 3, "quality of the staff" to read "quality of lives of the staff" Councillor S Dlanjwa's leave of absence to be amended from "Private Business" to "Study Leave".

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 Raphadu (ANC) asked the MMC for Public Safety the following questions for oral reply in terms of Rule 105 (1) of the Standing Rules and Orders of Council:

During the 2021/22 and 2022/23 financial years respectively, street hawkers operating on de Villiers Street in the inner City are being removed without notice.

1. *Did the department authorise the removal of these street hawkers?*
2. *How much has the City incurred for the removal of these street hawkers?*

MMC Tembe (ActionSA) addressed Council and responded as follows:

"The core function of Johannesburg Metro Police is traffic management, by-law enforcement and thirdly, its crime prevention. We have to enforce the rule of law in the City. We are not going to apologise on enforcing the rule of law in the City. If ever there is anything wrong that we have done, of course we are prepared that the law must take its course."

Councillor Raphadu asked a follow up question as follows:

"Yes, there is. It is surprising that the MMC answers these questions casually. Casually so and I am wondering if the same vigour and the same energy that they are putting in terrorising black informal traders in the inner City is also applied in the suburbs. They are not doing the same Speaker. But equally so Speaker, we know that SERI has taken the City to court because of the negligent behaviour of the MMC in just going around and removing people without due process being followed. The question is not answered. When SERI took the City to court, to rectify the injustice that the MMC and his department has done, I want to know how much the City incurred for their reckless and negligent behaviour? I have not been answered. So, if I can get to say, when they went to court with SERI, how much did we lose that could have been spent to tar the roads in Alex, in Eldorado Park, in all these places because of their eagerness for electioneering. I will put it that way, thank you very much."

MMC Tembe (ActionSA) responded to the follow up question as follows:

"Thank you very much. We never went to court, never. In the City of Johannesburg, we have a problem with by-law enforcement. That is why the City is what it is today, is because every now and then we are afraid of enforcing our by-laws. I want to give you an example, Madam Speaker, in Albertsville, it is a park, we had people who are staying there having not a shack but having plastic there. And then what happened is that we removed them, we were taken to court by the same SERI and we were told because the City settled instead of arguing the point. And then we were told by the court to take them back to that park. What does the community say? And when we took them back to the park and re-erect those plastics, what does the community of Albertsville think of us? And then we had to pay them R3500.00 because the City settled. Nothing that has been argued on our behalf as the Metro police enforcing the by-law in the City, the City is stinking. Thank you, madam Speaker."

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

Amongst the residents of Johannesburg five (5) percent of the population are people living with disabilities (PwDs). According to Issue 27 on Demographic Profiles of PwDs by GSPCR, majority of PwDs do not receive any form of social assistance from government.

- 1. What is your anticipated plan towards improving the lives of PwDs?*

MMC de Lange (VF+) addressed Council and responded as follows:

"If I look how the question was put, I can only speak on what local government is currently doing for people with disabilities or known as PWD's. It is known that there has always been a sub-unit for persons with disability in the City of Johannesburg, from 2009, when it was even under the previous administration. And we have a policy that I will provide to the Councillor to look at the City's actual policy that has been emanating since 2009, for the assistance that we can give on a local level for persons with disability.

The policy is aimed at facilitating, integrating, mainstream people with disabilities across all departments and municipal entities in the City, and it is very clearly outlined in that specific policy. But to get to the brass tacks, on the economic development front, I will also give this through to the Councillor. Thank you for your question. He can keep it for his record.

This intervention is aimed at targeting SMMEs that belong to people with disabilities within the City to make sure that they are part of the mainstream procurement and tender processes within the City. So obviously they will get first bite at the apple, that's the first one. Currently we are working on a memorandum of understanding with the Joburg's Road Agency, especially to plough back into the community. Councillor, job opportunities will come through this Memorandum of Understanding. So, that is on the economic front in short.

Then on skills development, in order to ensure that people with disability are part of the mainstream programs within the City, promoting economic development and investment through our skills developing opportunities. I would just mention two but there are more, you will also find that within the policy what we are trying to achieve. The diamond polishing program in Diepsloot, in region A.

And then of course, I recently signed a Memorandum of Understanding with Social Development, with an organisation called MOAFRICA. They are going to be providing different programs and different skills development programs in the Vlaktefontein Skill Centre, in Region G. And obviously there, according to our policy, people with disabilities that are able to participate in those skills programs will be able to take part and they will get preference through a program like that specifically.

Then on social support, obviously the City of Johannesburg, Speaker, we do not handle national grants, but the Department of Social Development goes into specific communities and where there are people with disability that qualifies, they are assessed by our social workers at grassroots level. And then their information is forwarded to Home Affairs and to SASSA to see if they can qualify for those grants. I cannot elaborate on the grounds because it is not a function of local government. And then of course further through Social Development, it includes the FSP and then of course to make provisions for suitable accommodation for those individuals.

Even with Development Planning Speaker, when there are new developments rolled out, it can be commercial buildings; it can be factories; it can be privately funded housing developments, the development planning looks into that. There is a big problem with our older buildings within the City that has been here for many years. There is not adequate access and ramps and so forth for people that are in wheelchairs, but through Development Planning, we try to accommodate that. Where we bring that into the development plan to make sure there is new structures and access for those individuals.

Then on the Education and Awareness, and I will conclude with this. In all the activities we try to empower people with disabilities in our communities and to issue and to curb programs and education if it comes to stigmatism and discrimination against them, that is also one of the programs that we run through the Social Department."

Councillor Nonkumbi (ANC) asked the follow up question as follows:

"I think MMC is very rhetorical in his response. I will give him a typical example: The House, not him per se, the House. There is a program that is running as you speak right now, EPWP under the JMPD. I did the monitoring and evaluation project myself and try to check how many people that are living with disability. Some of those people who are deployed in our specific wards, none of them living are with disability. He is speaking about the policy, but the policy is not implemented by the city. That is why I said it is rhetorical.

I can even go to the City's offices now and check because I spoke about 5% of those people in the City of Johannesburg, which are not accommodated. He is referring to a policy, but a policy that is not practical, but nonetheless, because of time Speaker, I think I will take this discussion with MMC outside of this House because we have a very serious matter that we have to deal with. So, we do not have to miss that matter because the more we spend time on this thing, we will miss critical issues because someone has to live."

MMC de Lange (VF+) responded to the follow up question as follows:

"Councillor Nonkumbi mentioned EPW program running through JMPD. Obviously, the competency lies with a different MMC. So, if we look at the policy going forward, where are the different programs in the City, in our departments, and I am sure through human resources, we can pull the stats, but that is for the officials within the City. We must look at that to see what our actual impact is, let's say, over the past five years, what is it that the city has done through its programs and its initiatives for people living with disabilities. I think there is an official report that is a multifaceted report running across all different entities and municipal departments and their programs. Then we will get a clearer view of how good we are implementing our current policy and what kind of impact it has thus far".

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

The Executive Mayor indicated that the responses to the questions were uploaded on the Google link, respectively.

The Speaker put it to the House and asked if Council agreed with elevation of Motions as per the request from Councillor Magwentshu L (ATM). Council voted on whether Motions should be elevated on the agenda and the results were as follows:

YES - 140
NO - 78
ABSTAIN: 50

6 RECOMMENDATIONS TO COUNCIL

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

DEFERRED

(OFFICE OF THE CITY MANAGER)

- Item 2 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)

DEFERRED

(GROUP FINANCE)
(Veli R. Hlophe)
(Deputy Director: Policy & Revenue Enhancement)

- Item 3 INTRODUCTION OF COJ: PUBLIC ROAD BY-LAWS

DEFERRED

(TRANSPORT)
(Ian Boyd)
(Deputy Director: Compliance and Support)
(Tel. (011) 021-8718)

- Item 4 INTRODUCTION OF THE COJ : PUBLIC TRANSPORT BY-LAWS

DEFERRED

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

- Item 5 REQUEST FOR APPROVAL OF THE ROODEPOORT CBD TRANSPORT MASTER PLAN, 2021

DEFERRED

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

- Item 6 RETURN ON IMPLEMENTATION OF DECISIONS OF COUNCIL FOR THE PERIOD DECEMBER 2021 TO AUGUST 2022

DEFERRED

(OFFICE OF THE CITY MANAGER)

- Item 7 ACQUISITION/EXPROPRIATION OF REMAINDER OF PORTION 3 FARM ZWARTKOP 530-JQ FOR WASTEWATER SERVITUDE OVER THE LANSERIA AIRPORT NODE ON BEHALF OF JOBURG WATER

DEFERRED

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)
(Zinhle Dongo)

- Item 8 CITY OF JOHANNESBURG MFMA IN-YEAR FINANCIAL REPORT FOR THE PERIOD ENDED 31 AUGUST 2022

DEFERRED

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

- Item 9 RECRUITMENT PROCESS AND APPOINTMENT OF THE GROUP EXECUTIVE DIRECTOR: GROUP CORPORATE & SHARED SERVICES

DEFERRED

(OFFICE OF THE CITY MANAGER)
(Acting Group Head: Group Human Management)
(Mr. Enoch Mafuyeka)

- Item 10 RECRUITMENT PROCESS AND APPOINTMENT OF THE GROUP HEAD: GROUP GOVERNANCE

DEFERRED

(OFFICE OF THE CITY MANAGER)
(Acting Group Head: Group Human Management)
(Mr. Enoch Mafuyeka)

- Item 11 ACTING ARRANGEMENTS FOR SENIOR MANAGERS SECTION 56

DEFERRED

(OFFICE OF THE CITY MANAGER)
(Acting Group Head: Group Human Capital Management)
(Moogsyn Jones)

(Tel. (011) 407-6785)

- Item 12 APPROVAL OF FINAL EVALUATION OUTCOMES OF MANAGERS DIRECTLY ACCOUNTABLE TO THE CITY MANAGER (SECTION 57 MANAGERS) FOR THE 2020/21 FINANCIAL YEAR

DEFERRED

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

- Item 13 CITY POWER FEEDBACK ON KELVIN PPA EXTENSION PUBLIC PARTICIPATION PROCESS & BACK TO BACK PPA WITH ESKOM

DEFERRED

(CITY POWER JOHANNESBURG (SOC) LTD)
(Meyrick Ramatlo)
(Executive Manager for Energy Management)

- Item 14 TERMS OF REFERENCE – SECTION 79 TRANSPORT COMMITTEE

DEFERRED

(COJ LEGISLATURE)
(Tikanelo Tseki)
(Tel. (011) 407-6423)

- Item 15 EXTENSION OF TIME FOR THE CURRENT GIS CONTRACT 583/19, IN TERMS OF MFMA SECTION 116(3)

DEFERRED

(DEVELOPMENT PLANNING)

7 MOTIONS

MOTION 1:

Proposer: Councillor L C Magwentshu

Second: Councillor M Mpolobosho

Councillor Magwentshu (ATM) addressed Council and tabled the motion as follows:

"Speaker, we have once again converged in this House to deliberate on the Executive Mayor's incompetence and disregard for the people of Johannesburg.

As the African Transformation Movement, we are not surprised of the Executive Mayor's inability to deliver services to the poor and the marginalised people of Johannesburg. Section 152 of the country's Constitution compels municipalities to provide sustainable services to communities. Section 57 of the Municipal Structures Act further compels the Executive Mayor to prioritise communities and oversee sustainable provision of basic services to communities.

The following instance will enhance the statement that the Executive Mayor truly does not care about the City of Johannesburg residents: The Executive Mayor delayed visiting Soweto when the residents invited her. She responded after a motion of no confidence was stabled against her. She further aggravated the situation by not attending residents, but rather going to cycling events.

When the people of Eldorado, suffered gruesome killings, the outgoing Executive Mayor instructed the distraught residents to write her a formal letter requesting her to attend to them. This behaviour is appalling for a public servant. When the residents of Fine Town were killed randomly, the Executive Mayor delayed visiting the grieving families and offer support. She only went there after 14 days, and they rightfully rejected her. The Executive Mayor demonstrated her inability to prioritise.

We have suffered 13 months of her incompetence from the DA led coalition government through the administration of the Executive Mayor of the courts, Doctor Phalatse. The city has witnessed an unprecedented litany of poor administration which had a clear mandate to purge senior black employees. Communities are going for days without water. A basic human right. Whilst the residents were trying to navigate the agonizing experience of the sloppy governance of the DA led coalition, we noted that SMME's were not being paid. Furthermore, we saw Avis confiscating its fleet due to non-payment. I therefore, table the motion that the Executive Mayor should be removed."

Councillor Mpolobosho (AHT) addressed Council in support of the motion.

MMC Harris (ACDP) addressed Council against the motion as follows:

"Madam Speaker; the Executive Mayor, Councillor Mpho Phalatse; MMC's; greetings to all Councillors and officials; the ACDP caucus and visitors; residents of our beloved City of Johannesburg. I also want to convey my sincerest condolences to our party

leader and his family on the passing of ma Lydia Meshoe, through proverbs 31 woman.

Madam Speaker, I rise to respond to the flimsy, sweeping motion of no confidence against the Executive Mayor. The code of Conduct of Councillors, Chapter 14, schedule 1(2)(b) states that:

"Councillors must at all times act in the best interests of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised."

There are simply no fair, just and equitable reasons to call for this motion of no confidence.

The ACDP rejects this motion. The motion is weak and at best and lacks specificity. The passing reference is made to a breach in the Code of conduct. No mention is made of breaches of the Municipal Structures Act. No mention is made of breaches of the Municipal Finance Management Act. No mention is made of which Constitutional clause the Executive Mayor violated. Additionally, the flippant use of the word democracy is disturbing. This demonstrates the hypocrisy and power drunkenness of the ANC proxies and their masters to ascend to executive office at all costs.

Rule 94.1 does not give any party or Councillor license to sow chaos and confusion and to cause instability. This motion is not rooted in fact but is soaked in jealousy, hate and envy. The credibility and integrity of this Council is seriously compromised by this attempt at a power smash and grab. Johannesburg has been reduced to a laughingstock of the local government world and of the electorate who sent us here in the 1st place.

The ACDP caucus believes that the unfair and biased comments made by the proxies is not meant for the Mayor, it is meant for somebody else. The ACDP submits that this motion is frivolous and useless, and we reject it with the content it deserves."

Councillor Majola (ActionSA) addressed Council against the motion as follows:

"It has been over a year and two months since this multiparty government. Indeed, it has been 14 months of this government undoing the legacy of the previous ANC led Government of Local Unity. A legacy which the people of Johannesburg rejected in the 2021 local government election, by further reducing the ANC vote share by a staggering 11%. This Madam Speaker, was an outcry by the people of Johannesburg, crying out for change.

Change did come, the multiparty coalition government was formed. I will argue Madam Speaker, that ActionSA played a huge role in the formation of this government. In the face of arrogance, ActionSA together with our group of partners resolved to do what was necessary to keep the ANC out of power, and as a result Dr Mpho Phalatse was elected.

Since the start of this coalition, ActionSA has borne the responsibility to keep this coalition together. Speaker, the people of Johannesburg are very much aware that ActionSA has done everything in its power to defend and keep this multi-party government going. We have remained loyal to this government even when we,

Ultimately, you are asking why your parties demands are not being met. It is the equivalent of a spoiled child being finally told, no. Those of us with children and those who are parents to furry, feathered, scaly and other differently covered family members, have a responsibility to instruct our children so they become people of good character. Every parent knows they are to give in to their child's every demand, is a shortcut to hell for themselves, and ultimately for their child. A spoiled child is always going give me, give me, give me, and the demand only escalate. If a parent is not prepared to provide tough love for the ultimate benefit of their children. Being constantly agreeable may in the short term be the easiest option every time, especially with the next step is only to chow the money. But our multiparty coalition government is different because we understand the responsibility we have; we must put long term policies into place. We must have policies with long term effects. We have to protect the future of Joburg.

Our brilliant Mayor is not interested in chowing money. She is only interested in improving the standards of living of every resident of Joburg and she is making progress together with her MMCs. What the multiparty government inherited from the opposition is a City on the absolute brink of disaster because of the mismanagement of resident's taxpayer's money to meet every whim and allow every vanity project without fail.

Now, and to the exceptionally skilled and experienced hands of Mayor Phalatse, the City of Joburg is finally beginning to edge away from the brink of utter disaster and what many people forget is that the death of the City of Joburg, as the commercial centre of South Africa, will inevitably entail the distraction of South Africa as a whole. Residents of Joburg are incredibly fortunate to have this woman of character and valour standing in front of everyone, barring the cabal of the corrupters from doing more damage and showing us the way forward. Striving every day, every hour, every minute, to make a positive difference. If it were not for Mayor Phalatse, we would not have achieved these successes in just a little over a year.

And the list is long, am going to cut it short because these are areas that I am particularly interested in.

Together with the IFP MMC Mabaso, they have launched 700 service sites giving over 1000 families an opportunity to build their own homes which are fully serviced. The inner-City Rejuvenation program is bringing one and half thousand lower cost housing units to the market. Housing projects have been launched in Fleurhof, South Hills and Riverside views, which between them will soon provide the City of Joburg a further 2724 housing units.

And then there is the upgrade of informal settlements such as Organic market, which is in my ward and the redevelopment of hostels including some in region E, which Councillor Raphadu is a Councillor in, which development are or will soon be in progress. Together with MMC Echeozonjoku, the Frankenworld Urban Development framework was brought to Council, and we subsequently approved it. We thank WITS for partnering with us, for their trust in us. The project will yield about 30,000 residential units and will provide job opportunities and empowerment of SMME's in the long term.

Together with MMC Suddaby, operation Buya Mtheto targeted delinquent rate payers and brought in millions of Rands. Mayor Phalatse also honoured our promise of being a caring City. Her opening applications not once, but twice to those ratepayers who were legitimately struggling to make good on their arrears, thus bringing enormous relief.

The EFF have never been the decision makers in a government, the intricacies of how the job is based done is unknown to you. After all, in the main the examples before you have been set by the ANC, but we all know how badly they have messed up City and countrywide, that example obviously cannot be the one to follow. It was in order to craft a new democratic constitution that a committee of the brightest minds, fine and honourable people from all walks of life, many of them stalwarts of the struggle, cooperated in negotiating the most brilliant constitution in the world, which, when it is properly used, underpins the development of a better, brighter future for all South Africans. Lost to memory, it is that principle battle so many men and women fought with their lives for. They brought the dawn of an era of a constitutional and developmental democracy to South Africa, but we have not seen the progress we were set up for because of misdirected energies, such as are represented in this very monk. Unfortunately, and sadly, it was a false dawn of democracy. Thankfully for our residents, Executive Mayor Phalatse, brings experience and more to her role.

Mayor Phalatse is not only the politician of renowned and a medical doctor, but also a project manager holding an advanced Diploma in project management and program management. Qualifications which are standing here in good stead as she steers the city of Joburg out of the decrepit state it was brought to you by successive ANC mayors. In addition, Mayor Phalatse has the ethical backbone that is very much needed. We now have to ensure that professionalism, competency and capacity take precedence over politicking. Thank you”.

The Speaker posed a question to the House, by a show of hands, the results were as follows:

YES – 140
NO - 129
ABSTENTION – 0

MOTION PUT CARRIED

Motion 2

Proposer: Councillor M N Mthembu
Seconder: Councillor C van der Schyf

Councillor Coverdale D (ActionSA) addressed Council and said ActionSA had decided to withdraw their motion against the Speaker.

MOTION WITHDRAWN

The Speaker addressed Council and said that with the motions dealt with, the House will move to an election of the new Mayor. She requested IEC be granted 10 minutes to set up for the processes.

Councillor Christians (DA) respectfully requested that the election of the new Mayor take place on Friday, 27 January 2023 as there was already an Extra-Ordinary meeting scheduled. He added that most of their Councillors do not have their ID books with them.

Councillor de Lange F (VF+) addressed Council and said that Councillors are normally advised through their caucuses to please bring their ID documents with for an election. He further said that he received no such notification and asked how then the election would be free and fair?

Councillor Nonkumbi I (ANC) addressed Council and said that Councillor Christians has been part of Council for years now and knows the procedures and rules of Council and has the responsibility to bring his ID document with. He further added that Councillors knew there was a motion to be tabled today and an election to take place and rejected the request for the election to take place as suggested by Councillor Christians.

Councillor Raphadu T (ANC) in his address said that all Councillors received the agenda and they read them. He further said that the motion of Councillor Magwentshu itself, clearly states that, "upon the passing of the motion of no confidence against the Executive Mayor, Councillor Mpho Phalatse, an election of the Executive Mayor be done in accordance with the applicable provisions of the Municipal Structures Act no.117 of 1998, as amended." He concluded that the motions passed with those recommendation.

Councillor Knott L (DA) in her address said that the motions were elevated and that an Extra-Ordinary meeting will be convened on the 27 January 2023. She further said that a letter from the acting Secretary to Council to IEC, copying the acting City Manager, stated that the election of the Executive Mayor and the Speaker of Council would take place on 27 January 2023. She concluded that communication was shared with Councillors and that was the expectation that was created.

Councillor Ngobeni R F (ActionSA) addressed Council and said that all ActionSA Councillors have their ID's with them ready to vote. But wanted to caution the Speaker because the Speaker was previously taken to court after an election of Executive Mayor and appealing that the Speaker does not compromise candidates and allow for the election to take place on the 27 January 2023.

Councillor A Sauls I (PA) in his address said if the DA was serious about serving the residents of the City, the Speaker should allow 2 hour break so that Councillors can collect their IDs and vote, but if the DA refuse, everyone would know they are liars and not serious about serving the residents of the City. He further said that if the DA thought they had an opportunity to approach the PA to vote with them, he was making it clear now that they are done talking and are ready to service the residents of the City.

Councillor Mphahlele M (EFF) in his address said that they agreed with Councillor Sauls I. He further said that as the leaders of society, Councillors should always be in possession of the IDs and that the Speaker should allow 2 hours for Councillors to collect their IDs.

The Speaker in her response said the motion was clear on its recommendations and said that Councillors should have read them and understood that upon the removal of the Executive Mayor, then there was a call for the election of the new Mayor. She further said that Councillors' ignorance and laziness in reading the agenda should not affect Council proceedings. She said that the agenda did not specify on what date the motions would be dealt with, that items on the agenda can be elevated, and the excuse that Councillors do not have their IDs was irrelevant.

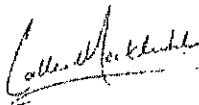
The Speaker then addressed Councillor Knott L (DA) and said that it was disappointing for her to interfere on official business. She said the letter Councillor Knott was referring to was not addressed to her, it was a letter from the acting Secretary to Council and to the acting City Manager and how Councillor Knott got to be in possession of it was displeasing and tells of political interference from her office and the office of the City Manager. She said the acting City Manager had no reason to share the letter with Councillor Knott.

The Speaker concluded that she had listened to all Councillors and because we must be precise and prudent in our approach and do not want any comebacks, the election of the new Executive Mayor will take place on Friday, 27 January 2023, at the scheduled Extra-Ordinary meeting.

8 ANNOUNCEMENTS AND CLOSURE BY THE SPEAKER

The Speaker urged Councillors to bring their ID for an election of the new Executive Mayor on Friday, 27 January 2023, at 10:00 in the Connie Bapela Council Chamber. She added that election of the Mayor would be the first thing on the agenda so that Council could be fully represented.

THE MEETING ADJOURNED AT 17:10.



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SPEAKER OF COUNCIL
CLLR C MAKHUBELE

02/05/2023

.....
DATE

