



CITY OF JOHANNESBURG COUNCIL

MINUTES OF THE 20TH ORDINARY COUNCIL MEETING OF THE CITY OF JOHANNESBURG MUNICIPALITY CONVENED ON THURSDAY, 25 APRIL 2024, VIRTUALLY THROUGH MICROSOFT TEAMS AT 10:00.

**SPEAKER OF COUNCIL
CLLR M S ARNOLDS**

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- 2 APPLICATIONS FOR LEAVE OF ABSENCE**
- 3 RECOMMENDATIONS TO COUNCIL**
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PHASE FOR THE PROCUREMENT OF A
NEW CONTRACT 3

CITY OF JOBURG PROPERTY COMPANY (SOC) LTD

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JOHANNESBURG FOR A PERIOD OF
9 YEARS, 11 MONTHS: COMPLIANCE WITH
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MANAGEMENT ACT (MFMA) 6

MEMBERS PRESENT

The Speaker: Councillor M S Arnolds

The Executive Mayor: Councillor K Gwamanda

Atterbury, E	Mabuza, S K L
Baloyi, D L	Machaba, L M U
Bini, L	Machethe, S
Boer, C	Madiba, T J
Bolani, M G	Magwaza, B L P
Buthelezi, T C	Magwentshu, L C
Chauke, K L	Majola, S
Chetsanga, H	Makamo, S S
Chuma, A T	Makhafola, E
Dammie, B H	Makhuba, H N
Davids-Green, L C	Maluleka, T
De Lange, F C	Manganyi, D B
Dladla, D	Mangena, T D
Dlamini, B	Marema, V A
Doyle, T	Marumo, T
Durand, G V M	Mashala, K
Echeozonjoku, B C	Mashinini, S
Edward, N	Masuku, L
Francisco, D B	Maswazi, R
Fresling, R R	Matabane, O
Galeshewe, T M	Mathe, Z E
Gantsho, L	Mavhona, L S
Harris, R	Mazibuko, N
Hlatshwayo, S M	Mazibukwana, M
Ismail-Moosa, I	Mchunu, A
Kaldine, J	Mgaga, B
Khanyile, N M	Mgcina, S E
Knott, L R	Mhlari, T M
Komane, S A	Mhlongo, T A
Kwapeng, C	Mkasi, G
Lebatlang, T Z	Mkhize, T
Lebea, M G	Mkhonto, M S
Lefutso, L	Mkhonza, N F
Leitch, A N	Mmbengwa, M N
Leshilo, R S	Mmota, L
Liebenberg, E	Mngadi, W B
Lobi, M	Mnisi, N D
Maake, M J	Mnyameni, M
Mabaso, M P	Modladlaba, D S
Mabelebele, S S	Modukanene, L C
Mabuke, T A	Modupi, D N
Mabunda, T E	Moepi, N J D

Moeti, O T
Mofokeng, J
Mofokeng, M P
Mogapi, T A
Mohlala, C
Mohlala, P K
Mokoari, Z
Mokoena, G
Mokoena, P
Mokoka, M L
Mokome, J M
Mokwena, T M
Molefe, E W
Molefe, M
Molefe, S B
Molise, L D
More, E
Morero, S E
Mosehla, K J
Mothopi, O Z
Mphaho, M A
Mphahlele, M
Mpolobosho, M M
Mposula, T
Mpotulo, G S
Mthembu, M N
Mulelu, M
Munyayi, V E
Mutavhatsindi, N T
Nair, R K
Ndlela, M C
Ndou, N L
Ndou, P
Ndou, P
Ndzondo, C M
Nefdt, P W
Nenemba, T
Nethamba, R
Ngema, S V
Ngobeni, L M
Ngoepe, C S
Nguse, S
Ngwenya, F N
Ngwetsheni, M M
Nhlapo, C P
Nkomo, E T
Nkomo, P T
Nkonyeni, S P
Nkosi, R A L
Nkubungu, L
Nofemela, N
Nonkumbi, I M
Nontenja, C T
Ntoele, N L
Ntombela, M J
Ntshidi, T E
Nyembe, M M
Nyembe, Z P
Nzimande, C
Pelzer, R
Phometsi, P S
Ponsonby, D A
Radebe, N P
Radebe, T T
Raholane, M W
Rakosa, P M
Ramafikeng, D J
Raphadu, A T
Raseruthe, S H
Rohlssen, C K
Seema, S M
Seerane, M K
Sesedinyane, M I
Shange, P A
Shumba, K A
Simelane, P
Simelane, S O
Simonse, L C
Sindani, F P
Smit, P A
Sobey, A
Supe, N P
Tabane, M C
Tambani, P S
Tefu, P V
Telekoa, A T
Tsheddo, J G
Twala, Y A
Van Wyk, W M
Wilskut, D
Xuma, L
Zazini, A
Zitha, S L
Zungu, N G

The Speaker indicated that this meeting is held virtually, as a result, in terms of Rule 7 of the Standing Rules and Orders of Council which relates to the precincts of Council:-

- “(1) The precincts of Council is the area of land and every building or part of a building under the legislature’s control, including -*
- (a) the Chamber in which the proceedings of Council are conducted and the galleries and lobbies of the Chambers;*
 - (b) committee rooms and other meeting places provided or used primarily for Council's purposes;*
 - (c) every other building or part of a building provided or used in connection with the proceedings of Council, while so used; and*
 - (d) every part of the buildings in which the Chambers are situated, and every forecourt, yard, garden, enclosure or open space appurtenant thereto.*
- (2) Insofar as it may be necessary, in a case where Council or Committees convene beyond the seat of Council, these Rules apply as if the premises where Council or Committees are meeting were within the precincts of Council.”*

1 OPENING

The Speaker welcomed the Executive Mayor of the City of Johannesburg – Councillor Kabelo Gwamanda, Whip of Council – Councillor Godslove Zungu, political party leaders and whips, members of the Mayoral Committee, Chairpersons of the Section 79 Committees, fellow Councillors, City Manager – Mr Floyd Brink, 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 to the 20th Ordinary Council Meeting of the City of Johannesburg Municipality.

She announced that Councillors Lloyd Phillips and Peter Rafferty had resigned as councillors and had accordingly sworn-in Councillor Paul Mokoena as the new Patriotic Alliance PR Councillor. She indicated that the Good Party had not replaced its PR Councillor as yet. She welcomed Councillor Mokoena to the City of Johannesburg Municipality and wished former Councillors Phillips and Rafferty well in their new endeavors.

2 APPLICATIONS FOR LEAVE OF ABSENCE

The following apologies were tendered and noted by Council:

<i>Councillor F Abdool</i>	<i>Urgent Political Party Business</i>
<i>Councillor M Tshwaku</i>	<i>Urgent Council Business</i>
<i>Councillor K Kunene</i>	<i>Urgent Political Party Business</i>
<i>DA Caucus except for Councillors Echeozonjoku and Knott</i>	<i>Urgent Political Party Business</i>
<i>Councillor L Ngobeni</i>	<i>Urgent Political Party Business</i>
<i>Councillor S Wissler</i>	<i>Urgent Political Party Business</i>
<i>Councillor J Ngwenya</i>	<i>Illness</i>

<i>Councillor T Amad</i>	<i>Urgent Private Business</i>
<i>Councillor S Zwane</i>	<i>Urgent Private Business</i>
<i>Councillor K Moatshe</i>	<i>Urgent Private Business</i>
<i>Councillor L Masoga</i>	<i>Urgent Private Business</i>
<i>Councillor M Coutriers</i>	<i>Urgent Private Business</i>
<i>Councillor D Coverdale</i>	<i>Urgent Private Business</i>
<i>Councillor J Sekwaila</i>	<i>Urgent Private Business</i>
<i>Councillor T Nkokou</i>	<i>Urgent Private Business</i>
<i>Councillor X Khumalo</i>	<i>Urgent Private Business</i>
<i>Councillor G Mathe</i>	<i>Urgent Private Business</i>
<i>Councillor J Tshehlo</i>	<i>Urgent Private Business</i>
<i>Councillor L Tsotetsi</i>	<i>Urgent Private Business</i>
<i>Councillor L Zondo</i>	<i>Urgent Private Business</i>
<i>VF+ Caucus</i>	<i>Early departure at 14:00</i>
<i>Councillor E Liebenberg</i>	<i>Early departure at 14:00</i>
<i>Councillor T Nontenja</i>	<i>Early departure at 14:00</i>

The Acting Secretary to Council, went through the roll call in order to ascertain quorum.

Following the roll call, the Speaker confirmed quorum and mentioned that there were 165 councillors present in the meeting.

3 RECOMMENDATIONS TO COUNCIL

The Executive Mayor tabled the Executive reports for consideration by Council.

Councillor Echeozonjoku (DA) on a point of order, said that there are a number of outstanding reports in this regard and the Executive Mayor tabled such with incomplete information. She pointed out that she had raised her hand prior to the Executive Mayor tabling the reports to bring such to the attention of the Speaker. She further indicated that the DA could not be part of irregular decisions that concerns financial implications, as a result would excuse themselves from the meeting.

At this point, Councillors Echeozonjoku (DA) and Knott (DA) left the meeting.

The Speaker confirmed that with the departure of the said DA councillors, there were 163 councillors in the meeting.

Item 1 INFORMATION STATEMENT REPORT FOR
LOAN FUNDING WITH THE AGENCE FRANCAISE
DE DEVELOPPEMENT (AFD) IN THE 2023/24
FINANCIAL YEAR

Following the debate, the Speaker indicated that legal advised that the item required 50%+1 which is 136 for the report to pass.

The Speaker put the question, and members present voted as follows:

No - 42

Yes - 121

Abstention - 0

MMC Masuku indicated that she had raised her hand immediately after the Speaker had informed Council that the report required 50%+1 which she wanted to dispute, however she was not noticed. She requested that legal refer Council to the legislation where it is stated that the information statement required 50%+1, as from her understanding such needed a simple majority to pass.

The Speaker indicated that she had consulted with legal and looked at the previous reports of this nature and confirmed that the report was for noting and not approval. She cited that the wording in the recommendations were confusing, as such recommended approval by Council even though the report was for noting.

MMC Masuku acknowledged the error by the Executive and apologised to Council that the recommendations were supposed to request Council to note and not approve as appeared in the report. She clarified that the actual loan item would be presented to Council in 21 days from this meeting, which report would be for approval and required 50%+1 for it to pass.

MMC Morero, seconded by Councillor Nontenja (UDM) amended the recommendations by replacing the word "approves" with the word "notes".

Councillors Harris (ACDP), Lebatlang (ActionSA) and de Lange (VF+) emphasised their dissenting view to the process that had unfolded in dealing with the item, suggesting that the report be withdrawn and resubmitted in due course with the correct wording.

Councillor Nontenja (UDM) pointed out that it was not for the first time that a report is amended during the meeting with the consent of Council and said that there was nothing wrong with such process.

Councillor Mabaso (IFP) urged that the legal advisors advice the Speaker in terms of process so that Council is not found to be in contravention with the law.

The Speaker confirmed that legal advised that the process followed in this regard was in order.

MMC Masuku indicated that the amended report had been added in the agenda link.

RESOLVED

- 1 That Council notes the information statement advert on the proposed AFD amortising loan with a 15-year maturity attached hereto as Annexure B.
- 2 That Council notes the letters to both National Treasury and Provincial Treasury attached hereto as Annexure C.

- 3 That Council notes the draft agreement and the essential terms of the proposed AFD loan per the attached draft loan agreement attached hereto as Annexure D.
- 4 That Council notes the indicative total cost and the essential repayment terms of the proposed loan per the attached amortisation schedule attached hereto as Annexure E.

(ADCP, ActionSA and VF+ Dissenting)

(GROUP FINANCE)

(Treasury, Financial Strategy and Planning)

(Mr. Sibisi)

Item 2 SPECIAL ADJUSTMENT OF THE OPERATING
AND CAPITAL BUDGETS FOR THE 2023/24
FINANCIAL YEAR AS A RESULT OF NATIONAL
GOVERNMENT GRANT REVIEW

Political parties, through their respective councillors debated the report, and subsequently voted as follows:

No - 43

Yes - 120

Abstention - 0

The Speaker declared the report defeated, citing that the item required 50%+1 for it to pass.

AS A RESULT, THE BELOW RECOMMENDATIONS ARE NOT CARRIED

- 1 That the Adjustment Operating Revenue and Expenditure Budget for Core Administration and Municipal Entities as set out in Annexure A, B, C and D be approved.
- 2 That the Adjustment Capital Budget for 2023/24 amounting to R6 807 105 000 as set out in Annexure E and F be approved.
- 3 That the supporting information contained in the 2023/24 Adjusted Revenue and Expenditure Budget document as required in terms of Section 17(3) of the Municipal Finance Management Act (Act 56 of 2003) be considered in conjunction with this report.

(GROUP FINANCE)

(Group Budget and Planning)

(Ms. N April)

(Tel. 081 352 9394)

- Item 3 COUNCIL TO NOTE THE CONTRACT EXTENSION FOR COMMERCIAL BANKING SERVICES CONTRACT (A448) WITH STANDARD BANK OF SOUTH AFRICA ("SBSA") TO FINALIZE THE TRANSITION PHASE FOR THE PROCUREMENT OF A NEW CONTRACT

MMC Masuku amended Recommendation 1 by replacing the word "approves" with the word "notes".

RESOLVED

- 1 That Council notes the extension of the Commercial Banking contract with Standard Bank of Southern Africa (SBSA), (A448, expiring 30 April 2024) for a period of up to six (6) months on a month-to-month basis effective from 1 May 2024 until 31 October 2024.
- 2 That the extension of the current contract with Standard Bank of Southern Africa SBSA continues the same terms and conditions, as Contract A448.
- 3 That the Accounting Officer or his authorised representative, be delegated to sign the extension letter and Standard Bank be informed of the extension of the contract period.

(ACDP, ActionSA and VF+ Dissenting)

(GROUP FINANCE)

(Treasury, Financial Strategy and Planning)

(Mr. Sibisi)

- Item 4 RESCISSION AND AMENDMENT OF COUNCIL RESOLUTION ON THE PROPOSED LEASE OF PORTIONS 3 AND 7 OF ERF 14 RIVIERA

RESOLVED

- 1 That the resolution of 12 May 2023 per Item 6 be amended as follows:
 - 1.1. Clause 1 of Item 6 be amended to read that, Portions 3 and 7 of Erf 14 Riviera shall be leased for a period of twenty years for a nominal rental of R1000 (thousand per month, escalating at 4% per annum and that the properties be transferred to the Thabo Mbeki Foundation for a nominal amount of R1 000 on completion of construction of the entire Precinct Development or on expiry of the first 10 years, being the first term of Lease Review of Lease term, whichever happens first.
- 2 That all other terms of the Resolution of 12 May 2023, Item 6 remain unchanged.

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

(ActionSA and VF+ Dissenting)

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)

- Item 5 ACQUISITION OF ERF 1094 NEW DOORNFONTEIN
(14th LOWER ROSS STREET, DOORNFONTEIN)
APARTMENT FOR ALTERNATIVE RENTAL HOUSING
PURPOSES

RESOLVED

- 1 That in terms of Section 79 (24)(a)(i) of the Local Government Ordinance 17 of 1939 read with the Asset Transfer Regulations, 2008, and the Supply Chain Management Policy for Land (SCMPL) of the City Erf 1094 New Doornfontein (14th Lower Ross Street Apartment) ("the Property") be acquired for housing development and use, on a willing buyer-willing seller basis at not more than their market value to be determined by an independent valuer before negotiation stage ensues.
- 2 That all costs relating to and incidental to this acquisition will be borne by the City of Johannesburg: Department of Human Settlements confirmed availability of R20 000 000.00 budget under Vote number WBS: 49-16005.373 and R442 88 000.00 under Vote number WBS: 49-19004.377.0020.
- 3 That a Permission to Occupy and build (PTOB) agreement will be concluded with the Department of Human Settlements after transfer of the property has been affected.
- 4 That the City of Johannesburg: Department of Human Settlements will be responsible for the upkeep, security and maintenance of the property immediately after transfer.
- 5 That the Chief Executive Officer of the City of Joburg Property Company SOC Ltd, be authorised to negotiate the acquisition of the property, failing which to expropriate the property in terms of the Expropriation Act 63 of 1975.
- 6 That the Chief Executive Officer of the City of Joburg Property Company SOC Ltd be authorised to sign the land acquisition agreements and any other documents related to the acquisition of the property.

- 7 That the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to the acquisition through negotiation or expropriation of the subject property in terms of the applicable legislation and that it shall be subject to such further conditions as the Chief Executive Officer: City of Joburg Property Company (SOC) Ltd, consider necessary to protect the Council's interest.

(ActionSA Dissenting)

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)

(Ms. Laretta Nkolele)

(Tel. (010) 219-9000)

- Item 6 OFFICE ACCOMMODATION AND PARKING FACILITIES
FOR THE CITY OF JOHANNESBURG FOR A PERIOD OF
9 YEARS, 11 MONTHS: COMPLIANCE WITH SECTION 33
OF THE MUNICIPAL FINANCE MANAGEMENT ACT (MFMA)

RESOLVED

- 1 That Council notes that CoJ has complied with the requirements of Section 33 of the Municipal Finance Management Act, No 56 of 2003, as outlined in the body of the report.
- 2 That the CoJ may now proceed to enter into Lease Agreements or Contracts with the respective successful bidders, as per the awards by the Executive Adjudication Committee of the CoJ.
- 3 That, the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all the necessary documentation to give effect to these transactions in terms of any applicable legislation, and that it shall be subject to such further conditions as the Chief Executive Officer, City of Joburg Property Company (SOC) Ltd to protect the Council's interest.

(ACDP and ActionSA Dissenting)

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)

4 ANNOUNCEMENTS

The Speaker expressed appreciation to councillors for their attendance and contributions. She reminded the councillors of the State of the City Address and debate to be convened on 2 & 3 May 2024, respectively.

5 CLOSURE

THE MEETING ADJOURNED AT 15:30.



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SPEAKER OF COUNCIL
CLLR M ARNOLDS

22 AUGUST 2024

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DATE