



CITY OF JOHANNESBURG COUNCIL

**MINUTES OF THE 25TH EXTRA-ORDINARY COUNCIL MEETING
OF THE CITY OF JOHANNESBURG MUNICIPALITY HELD ON FRIDAY,
8 MARCH 2024, AT THE CONSTANCE CONNIE BAPELA COUNCIL CHAMBER,
BRAAMFONTEIN AT 10:00.**

**SPEAKER OF COUNCIL
CLLR M S ARNOLDS**

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MEMBERS PRESENT

The Speaker: Councillor M S Arnolds

The Executive Mayor: Councillor K Gwamanda

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Mphahlele, M	Ponsonby, D A
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Mpotulo, G S	Rahn, N J
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Mutavhatsindi, N T	Rambani, N S
Nair, R K	Raphadu, A T
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Ndou, P	

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1 OPENING

The Speaker requested Council to observe a moment of silence.

She proceeded to open the meeting and welcomed to Executive Mayor of the City of Johannesburg, Councillor Kabelo Gwamanda, Whip of Council, Councillor Godslove Zungu, Chair or Chairs, Councillor Lloyd Phillips, all 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 25TH extra-ordinary council meeting of the City of Johannesburg Municipality.

She indicated that the meeting was convened in terms of Rule 16 of the Standing Rules and Orders of Council which allows the Speaker to Convene an Extra-Ordinary Council Meeting to conduct business outside the scheduled meetings.

She said that there were only have 3 items on the agenda and 2 of them, Items 1 & 2 were Operating and Capital adjustments budget reports were considered at the Ordinary Council Meeting held on 29 February 2024, however, did not pass hence they are the part of the agenda for reconsideration. Item 3 is the report relating to the outcome of the SAMWU-COJ130 Court case, and MMC Masuku will speak first to indicate the amendments to the annexures, and such were added in the agenda link already.

She asked legal advisors to verify the number of Councillors present to confirm the quorum.

She reported that there were 158 Councillors present, confirming that there was quorum and that the meeting can proceed.

She mentioned that she had received a request for a debate on a matter of urgent public importance from Councillor Davids – Green and such is not accepted as it does not comply with the Standing Rules and Orders of Council as it contains recommendations. Debates in terms of Rule 98 should not contain recommendations. She said that a formal response would be forwarded to Councillor Davids–Green during the course of the day.

2 APPLICATIONS FOR LEAVE OF ABSENCE

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

<i>Councillor Harris, R</i>	<i>:</i>	<i>Urgent Private Business</i>
<i>Councillor Mkhonza, N F</i>	<i>:</i>	<i>Urgent Private Business</i>
<i>Councillor Rohlssen, C K</i>	<i>:</i>	<i>Urgent Private Business</i>
<i>Councillor Abdool, F</i>	<i>:</i>	<i>Urgent Private Business</i>
<i>Councillor Liebenberg, E</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Wissler, S T J</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor Johnson, N</i>	<i>:</i>	<i>Private Business</i>

<i>Councillor Mnisi, N D</i>	:	<i>Private Business</i>
<i>Councillor Mabaso, M P</i>	:	<i>Private Business</i>
<i>Councillor Amod, C J</i>	:	<i>Illness</i>
<i>Councillor Benjamin, R F</i>	:	<i>Private Business</i>
<i>Councillor Bittkau, R</i>	:	<i>Private Business</i>
<i>Councillor Brand, D G</i>	:	<i>Private Business</i>
<i>Councillor Chabalala, M D</i>	:	<i>Private Business</i>
<i>Councillor Coogan, L C</i>	:	<i>Private Business</i>
<i>Councillor Dewes, D S</i>	:	<i>Private Business</i>
<i>Councillor Finn, C E</i>	:	<i>Private Business</i>
<i>Councillor Fourie-Shawe, C</i>	:	<i>Illness</i>
<i>Councillor Harman, L J (DA)</i>	:	<i>Private Business</i>
<i>Councillor Hoén, J N</i>	:	<i>Private Business</i>
<i>Councillor Hooper, R S</i>	:	<i>Private Business</i>
<i>Councillor Horwitz, J</i>	:	<i>Private Business</i>
<i>Councillor Hughes, Z</i>	:	<i>Private Business</i>
<i>Councillor Jacobs, K</i>	:	<i>Private Business</i>
<i>Councillor Jonker, N</i>	:	<i>Private Business</i>
<i>Councillor Kgeletsane, M O</i>	:	<i>Private Business</i>
<i>Councillor Koekemoer, M</i>	:	<i>Private Business</i>
<i>Councillor Kreuzsch, S</i>	:	<i>Private Business</i>
<i>Councillor Landis, R</i>	:	<i>Private Business</i>
<i>Councillor Louw, M A</i>	:	<i>Private Business</i>
<i>Councillor Maila, S M</i>	:	<i>Private Business</i>
<i>Councillor Marais, S I</i>	:	<i>Private Business</i>
<i>Councillor Masera, H</i>	:	<i>Private Business</i>
<i>Councillor Ncube, W M</i>	:	<i>Private Business</i>
<i>Councillor Ramaru, G</i>	:	<i>Private Business</i>
<i>Councillor Reddy, V M</i>	:	<i>Private Business</i>
<i>Councillor Roberts, F C</i>	:	<i>Private Business</i>
<i>Councillor Shackelford, L M</i>	:	<i>Private Business</i>
<i>Councillor Sherman, G J</i>	:	<i>Private Business</i>
<i>Councillor Stewart, A J</i>	:	<i>Private Business</i>
<i>Councillor Suddaby, J</i>	:	<i>Private Business</i>
<i>Councillor Truluck, T F</i>	:	<i>Private Business</i>
<i>Councillor Van der Merwe, M</i>	:	<i>Private Business</i>
<i>Councillor Williams, M C</i>	:	<i>Private Business</i>
<i>Councillor Pelzer, R</i>	:	<i>Private Business</i>

Apologies for late arrival were received from the following councillors:

Councillor Leitch, A N

The following Councillors were granted permission to leave the meeting early:

The Democratic Alliance caucus to leave at 14:00

3 RECOMMENDATIONS TO COUNCIL

Item 1 OPERATING ADJUSTMENT BUDGET FOR THE 2023/24 FINANCIAL YEAR

Councillor Boer (VF+) addressed the Council by highlighting that the adjustment budget reflects the consequences of a failing government. He emphasized that two State-Owned Enterprises (SOEs) had collapsed due to cadre deployment and corruption, significantly impacting the adjustment budget. Specifically, he noted that the city had to substantially adjust its electricity and fine incomes, namely R3.9 billion and R790 million, respectively.

With regards to the fine income, he pointed out that a significant factor was a delay in sending out notifications. He suggested that the city should explore innovative solutions to address this problem, proposing that penalty notifications could be delivered directly to the perpetrators without relying on traditional postal services.

Councillor Boer continued by highlighting the city's debt impairment, indicating that, it amounted to R4.1 billion in the last six months but it has been readjusted to R3 billion for the full year. He emphasized that to achieve this target, the city would need to achieve a collection rate of 90%, compared to its current rate of 86%. However, he scepticism about reaching this goal, particularly since the city's water collection rate is only 71%.

He emphasized the importance of improving water collection rates, stating that the city must proactively collect outstanding water fees. He applauded the high collection rate of 97% for electricity but stressed the disparity between the collection rates of electricity and water, questioning why one stands at 97% while the other lags at 71%.

Councillor Mhlongo (AIC) addressed Council expressing the party's support and welcoming the adjustment budget for the fiscal year 2023/24 as presented by the Member of the Mayoral Committee responsible for the city's finances.

Councillor Rafferty (PA) addressed the Council by expressing the party's concern regarding the numerous decreases observed in the Transport and Human Settlement Departments. He emphasized that the Patriotic Alliance was not satisfied with these adjustments. However, he stated that as partners in the Government of Local Unity (GLU), they would support the adjustments considering the prevailing circumstances.

In conclusion, Councillor Rafferty encouraged all residents to pay for services promptly, highlighting that such payments enable the city to enhance its services and undertake more initiatives.

Councillor Nkonyeni (ActionSA) noted the report.

Councillor Santana (DA) addressed the Council by reiterating his concern regarding the failure of both the current Executive Government and the GLU government to provide reports timeously. He highlighted the situation where the City of Johannesburg (COJ) is the only government receiving an adjustment budget before

critical reports such as financial, quarterly, and Section 71 reports have been reviewed. He emphasized that Council continues to pass critical items without any accompanying information, raising serious questions about transparency and accountability.

He reminded the members of their fiduciary duty to make informed decisions based on factual knowledge rather than hearsay. He then enquired about the process behind the production of the adjustment report.

In conclusion, he firmly stated that the DA would not participate in passing an adjustment budget without adequate information.

Councillor Nethamba (EFF) addressed Council noting the report.

Councillor Radebe (ANC) addressed Council noting the report.

MMC Morero clarified that the underlying intention is to repurpose the city's revenue collection efforts with the primary objective of improving collections to rebuild the city's cash reserves. He emphasized that once the reserves reach a certain threshold, the budget could then be implemented effectively.

Councillor Knott (DA) highlighted a Constitutional requirement stating that budgetary items required a special majority for approval. She indicated that the DA called for a division of the House.

After deliberations, the Speaker put the item to a vote and the results were as follows:

FOR: 184
AGAINST: 39
ABSTAIN: 0

Councillor Christians (DA) referred to Rule 84 of the Standing Rules and Orders of Council, requesting that the DA's opposition to the item be formally recorded in the minutes of the proceedings. This rule allows any Councillor to have their party's opposition recorded in the minutes when a question is put forth by the Presiding Officer

RESOLVED

- 1 That the Adjustment Operating Revenue and Expenditure for Core Administration and Municipal Entities as set out in Annexures A, B, C and D be approved.
- 2 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.
- 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 OPPOSED THE ITEM

(GROUP FINANCE)
(Ms. N April)
(Tel. (011) 358-3290)

Item 2 CAPITAL ADJUSTMENT BUDGET FOR THE 2023/24 FINANCIAL YEAR

Councillor Mhlongo (AIC) noted the report.

Councillor Boer (VF+) emphasized the party's commitment to contributing positively to council affairs and steering the city and Council in a constructive direction. However, he stated that the VF+ cannot support the adjustment and capital adjustment budgets.

He pointed out that the party cannot endorse the budgets because they are neither realistic nor adequately funded.

Councillor Rafferty (PA) expressed support for the item on behalf of the PA and emphasized the importance of addressing the issue of political parties dissenting on items after voting.

He highlighted that raising dissent after voting is a common practice that leads to the deferral of minutes and asserted that this issue needed to be corrected.

Councillor Nkonyeni (ActionSA) addressed the Council, highlighting the party's advocacy efforts regarding insourcing. He said that ActionSA had requested budget allocations for the second and third phases of insourcing, along with initiatives aimed at upscaling, resourcing, and training security guards. Additionally, ActionSA has advocated for the consideration of establishing Municipal Courts.

He noted MMC Morero's proposal for establishing a billing war room. However, he expressed concern that the Section 79 Committee has not received reports on its performance and efficacy.

He highlighted the severe financial consequences of the current administration's incompetence, noting that the city has lost R3.9 billion in the current financial year due to their inability to effectively collect revenue. This loss adversely affects the city's cash flow and necessitates continued reliance on loans until there is a change in leadership through democratic processes.

He expressed disappointment, pointing out that the budget adjustment includes cuts to essential services such as water, which accounts for 53% of the city's debtor's book. This indicates a significant impact on residents' access to crucial services.

He highlighted the concerning figure of R47.38 billion in outstanding water and property rate bills in the fourth quarter of the 2022/23 financial year. This outstanding debt is attributed to financial mismanagement, as evidenced by irregular, fruitless, and wasteful expenditure noted in the Auditor General's report.

Councillor Santana (DA) raised concerns regarding the passing of the budget considering insufficient information about the city's current status. He emphasized that the adjustment budget was presented prematurely and preceded several essential reports that were supposed to provide necessary insights.

He said that the DA believes more needs to be done to address the city's financial challenges and expressing doubt that the budget would adequately sustain the city throughout the year. He highlighted the shrinking CAPEX budget and the lack of corrective measures being taken, warning that the city is at risk of falling into a debt trap where it continuously relies on loans to cover day-to-day operations.

Councillor Marema (ANC) expressed support for the report.

Councillor Nethamba (EFF) addressed the Council emphasizing the importance of ensuring that the allocated funds, particularly the R59.6 million library grant, are utilized effectively to benefit the community.

He expressed concern over the significant decrease in the budget for the purchase of firearms, noting that this reduction is unacceptable given the city's ongoing battle against crime, which has led to the loss of many officers due to inadequate resources.

Furthermore, he highlighted the decrease in the health budget services from R132.3 million to R98.2 million, questioning the justification for this adjustment, especially in a city with non-functional clinics. He requested an explanation for this adjustment and suggested that funds could be redirected from other areas, such as the increase in the financial group's office equipment budget, to address the urgent health services need.

He raised concerns about the R30 million increase in the Group Corporate and Shared Services' budget for the procuring of specialized felt, suggesting that these funds could have been better utilized in departments such as Public Safety, given the rising crime rate.

In conclusion, he requested a thorough explanation for these adjustments before the item could be approved.

MMC Morero responded, pointing out that some of the concerns raised by the Councillors have been addressed, such as the matter of Municipal Courts which have already been established. He added that they were committed to increasing the collection rate to ensure that the budget is fully funded.

He then pointed out that the National Treasury had assessed the adjustment budget and subsequently gave confirmation on the 21st of February 2024 that the budget was funded.

He concluded by highlighting that the challenges in Local Government financing remain a discussion of paramount importance that South Africa should engage thoroughly. That it is necessary to ensure the remodelling of the funding of municipalities in South Africa. He then requested that Council approve the Capital Adjustment Budget for the 2023/24 financial year.

MMC Morero responded to the concerns raised by Councillors indicating that the Municipal Courts have already been established. He emphasized the commitment to increasing the collection rate to ensure that the budget is fully funded.

He informed the Council that the National Treasury had assessed the adjustment budget and gave confirmation on 21 February 2024 that the budget is funded.

In conclusion, he reiterated the importance of thoroughly engaging in discussions on the challenges of local government financing in South Africa. He emphasized the need to remodel the funding structure of municipalities. He then requested that the Council approve the Capital Adjustment Budget for the 2023/24 financial year.

After deliberations, the Speaker put the item to a vote, and the results were as follows:

FOR: 184
AGAINST: 38
ABSTAIN: 0

Councillor Christians (DA) referred to Rule 84 of the Standing Rules and Orders of Council, requesting that the DA's opposition to the item be formally recorded in the minutes of the proceedings. This rule allows any Councillor to have their party's opposition recorded in the minutes when a question is put forth by the Presiding Officer

RESOLVED

- 1 That the Adjustment Capital Budget for 2023/24 amounting to R6 903 334 000 as set out in Annexure A and B be approved.
- 2 That the budget requests to adjust the Capital Budget for the 2024/25 and 2025/26 financial years be considered in conjunction with the medium-term budget process for 2024/25 – 2026/27.

DA OPPOSED THE ITEM

(GROUP FINANCE)
(Ms. N April)
(Tel. (011) 358-3290)

Item 3 REPORT ON THE OUTCOMES IN RE: SAMWU (130) v
COJ CASE NUMBER: 2022- 033927, ITS IMPLICATIONS
AND IMPLEMENTATION APPROACH BY THE CITY

Councillor Mokome (COPE) requested to be excused from the sitting due to a potential conflict of interest. He disclosed that he was among the 130 fixed-term employees who were terminated approximately four years ago. He expressed concern that his involvement in the current proceedings could potentially conflict with his conscience.

He said that when the matter of the terminated employees was brought before the court on the 29th of February 2024, he believed it had been resolved.

After consulting with legal advisors, the Speaker indicated that the advice she received from the Legal Advisors was that it is Councillor Mokome's prerogative to remain in the Chamber of excuse himself from the meeting for the duration of the discussion of the item. As a result, the Speaker acceded to Councillor Mokome's request to be excused from the meeting for the duration of the debate of the item.

Councillor Rafferty (PA) stated that there was no conflict of interest on the matter raised by Councillor Mokome.

Councillor Christians (DA) rose on a point of order and said that in accordance with Rule 82 of the Standing Rules and Orders of Council, when the Speaker had made a ruling, any Councillor wishing to speak on the ruling should address the matter by writing to the Rules Committee, rather than engaging in a debate.

Councillor Nguse (ANC) raised a point regarding the language used in the Speaker's ruling. He said that the Speaker used the word "may," which is a term suggesting discretion rather than compulsion. He requested that the Speaker make a definitive ruling rather than using language that allows for interpretation or discretion.

The Speaker responded by explaining that she received a request from a Councillor who sought to be excused from the proceedings. After obtaining legal advice, she concluded that it was appropriate to grant the request. The Speaker expressed confusion as to why other Councillors were speaking on behalf of the requesting Councillor emphasizing that it is the individual's right to request to be excused.

Councillor Mhlongo (AIC) addressed the Council by highlighting the vindication of young black people in the city by the competent courts of South Africa. He emphasized that the dismissals of the city's young professionals by the Democratic Alliance and their former moonlight pact partners were unlawful, attributing their actions to the sole factor of being black.

He concluded by expressing the AIC's satisfaction in welcoming the report, indicating that the Joburg 130, as affected individuals, did not walk alone in their struggle for justice. He affirmed that justice has finally been served in this regard.

Councillor Rahn (DA) addressed the Council by highlighting concerns about the current state of affairs under the city's leadership. She pointed out that there are significant issues in the report that cannot be ignored, including the city's failure to

address the financial crisis effectively and its wasteful expenditure on legal opinions for matters that have already been settled. She asked the logic behind seeking legal opinions after litigation, stating that this should occur prior to legal action to avoid unnecessary costs.

She expressed dismay at the adjustment budget, which decreased by R4 billion for essential services to residents while simultaneously increasing salaries by R55 million.

She said that the situation appeared to be premeditated, suggesting that the city's leadership was aware of the impending judgment before it was handed down. She raised concerns about the fate of the 77 politically deployed employees affected by the judgment, questioning whether they would join the existing 2000 workers already burdening taxpayers.

In conclusion, she said that as the DA, they are demanding accountability on this matter. They invoked their oversight right and called for the report to be withdrawn and sent to the GCSS (Group Corporate and Shared Services) committee. In this committee meeting, attorneys would be present to explain how they have managed the case.

Councillor Ntombela (ActionSA) reminded the Councillors of the origins of the matter, highlighting that the then Executive Mayor, upon realizing he was losing power, made the unusual decision to convert fixed-term employees to permanent workers. She characterized this decision as exemplary of the defiant attitude of the ANC, suggesting that it aimed to defend cadre deployment practices within the municipality.

She emphasized that while the judgment ruled that the employees should have been consulted before their employment was terminated, it did not address the legality or rationality of converting fixed contracts to permanent ones.

In conclusion, Councillor Ntombela stated that ActionSA does not support the item.

Councillor Ngwenya (EFF) addressed the Council by highlighting the challenges faced due to what he perceived as the DA's adoption of apartheid tactics to govern. He emphasized the importance of respecting the court judgment and noted that the recommendations arising from it are acknowledged, noted, and approved by the EFF.

MMC Kunene highlighted the politicization of administrative decisions, noting that this approach often results in adverse consequences. He criticized the DA for what he perceived as their tendency to resort to legal action hastily, regardless of the issue at hand. He expressed concern that this attitude reflects a lack of care towards Africans and a desire to destroy their livelihoods and future as evident in the Western Cape. Councillor Echeozonjoku (DA) addressed the Council, highlighting the perceived irony of the item being tabled at a time when the service delivery budget is being significantly reduced. She criticized the current administration for prioritizing cadre salaries over the needs of Johannesburg residents, particularly highlighting the issue of water scarcity affecting 60% of residents. She emphasized that the matter is not about race or politics but rather about advancing the interests of ANC cadres seeking to capture the city permanently before the elections.

She asked why the City's arguments did not mention Regulation 21 of the Municipal Systems Act, which relates to the support staff for public office bearers. She proceeded to read Regulation 21 of the Act, implying that the City's decision disregarded national legislation.

Furthermore, she expressed concern that the decision made by the then Mayoral Committee, which superseded national legislation, sets a dangerous precedent. She stated that she had written to the Minister of COGTA regarding the judgment, as it contradicts national legislation.

Councillor Mphahlele (EFF) rose to inform the House about a potential violation of the Standing Rules and Orders of Council. He pointed out that Councillor Echeozonjoku appeared to have a recording device on her person, which is prohibited in the chamber as per the rules. Recording devices are not permitted during Council sessions.

The Speaker addressed the issue regarding Councillor Echeozonjoku's alleged possession of a recording device in the House. She emphasized that recording devices are not permitted during Council sessions and requested that Councillor Echeozonjoku demonstrate that the device is switched off. She thereafter requested protocol to confiscate the device from the Councillor.

Councillor Mosehla (EFF) raised a concern regarding the recorded information already present on the device allegedly possessed by Councillor Echeozonjoku. He suggested that this recorded information be erased.

Councillor Christians (DA) referred to Rule 33 of the Standing Rules and Orders of Council and said that it does not specifically mention the confiscation of the device in question. He stated that such action may be irregular or unsupported by the rules. He then raised his laptop and cellphone in the air, highlighting that both devices are capable of recording, similar to the one in question. He then suggested that if one recording device is subject to confiscation, then all others should be treated the same way to ensure consistency and fairness in enforcing the rules.

Councillor Echeozonjoku (DA) stated that the DA stands with the residents of the City, emphasizing their commitment to prioritizing the community needs. She expressed the DA's inability to support an operational budget that cuts the service delivery bill by R4.1 billion while simultaneously increasing the salary bill by R57 million. She concluded by indicating that the DA is consulting its attorneys and accordingly reserves its rights on the matter.

Councillor Nguse (ANC) addressed the Council acknowledging the complexity of providing input on legal matters without expertise in the field. He emphasized the importance of respecting the ruling made. He explained that initially, the ANC had argued the matter as the opposition, focusing on issues of substantive and procedural fairness. However, he noted that the ANC is now in a different position, as the dismissal of the 130 employees has been rejected by a landmark decision that reaffirmed justice, fairness, and the dignity of workers' rights.

Councillor Nkokou (PAC) addressed the Council by expressing gratitude to the minority parties and the GLU for their efforts in protecting the African people's interests. He applauded the reinstatement of the 130 employees, viewing it as a victory for the African community.

In closing, he encouraged African people to unite in overthrowing white racists and their domination.

Councillor Echeozonjoku (DA) rose on a point of order, requesting that Councillor Nkokou refrain from labelling Councillors as racist and asking him to specify whom he refers to as racists.

The Speaker responded that she did not hear Councillor Nkokou directly calling any Councillors racist. Instead, she clarified that Councillor Nkokou had mentioned "racists" without specifically attributing the term to any individual Councillors.

In her response, MMC Masuku expressed her belief that Mama Winnie Mandela would be pleased to see that 130 young people, who were previously marginalized by the government, to be given an opportunity to return to their rightful places of employment. She acknowledged all the previous speakers on the item.

She said that it was ironic that the DA spoke about issues of financial resources and senior counsel, yet it was the DA who initiated legal battles against the young people and the City Manager. She emphasized that the reason the city now must pay for two senior counsels due to the actions of the DA, not the GLU.

She continued to state that it was ironic for the DA to question the court, as the GLU does not question judges and believes in the supremacy of the courts.

Councillor Echeozonjoku (DA) rose on a point of order and requested that MMC Masuku refrain from misleading the House. She asserted that members of the GLU have publicly claimed that judges are biased.

MMC Masuku emphasized that the GLU does not manipulate the courts by requesting postponements or asking judges to recuse themselves. She asserted that they accept the decisions made by judges. She stated that the DA Multiparty Government owe the 130 employees, and their relatives and dependents an apology. She highlighted the broader impact of lifting one black child who went to school through NSFAS out of poverty can uplift entire communities.

In closing, she read the order that declared the 130 employees as permanent employees of the City of Johannesburg. She also read the second part of the order, which stated that the respondent should pay costs and should have consulted.

Councillor Echeozonjoku (DA) rose to request Council to note the DA's dissent on the item.

Councillor Van Wyk (ActionSA) rose to request to note the ActionSA's dissent on the item.

RESOLVED

- 1 That the Municipal Council notes that the conversion certainly had legal consequence and it could not be set aside unilaterally and as such the Council decision to rescind the conversion cannot stand.
- 2 That based on the above Council notes that its resolution dated 25 February 2022 in particular the Resolution 2 of Item 14 is of no force and of legal effect from the date of the judgement of Acting Judge Moorcroft.
- 3 That no appeal or review should be noted as there are no reasonable prospects of success.
- 4 That in line with the reasoning of the Acting Judge Moorcroft all employees similarly affected by the resolution of 25 February 2022 should be accorded a consistent and fair treatment.
- 5 That Council approves that all employees affected by the resolution dated 25 February 2022 and the judgement of Acting Judge Moorcroft dated 29 February 2024 be reinstated.

DA DISSENTING**ACTIONS SA DISSENTING**

(GROUP CORPORATE AND SHARED SERVICES)

4 ANNOUNCEMENTS*None.***5 CLOSURE***The Speaker thanked Councillors for attending the meeting.*

THE MEETING ADJOURNED AT 12:30.



.....
SPEAKER OF COUNCIL
CLLR M ARNOLDS

10 June 2024

.....
DATE

