



CONFIDENTIAL

MINUTES
for a
SPECIAL MEETING

**MANGAUNG
METROPOLITAN
MUNICIPAL COUNCIL**

**COUNCIL CHAMBER
FIRST FLOOR
BRAM FISCHER BUILDING
BLOEMFONTEIN**

**WEDNESDAY
SEPTEMBER 20, 2023
AT 10:00**

**MANGAUNG
METROPOLITAN
MUNICIPALITY**

**MINUTES OF A
SPECIAL MEETING
of the
MANGAUNG METROPOLITAN MUNICIPAL COUNCIL
held IN THE COUNCIL CHAMBER, FIRST FLOOR, BRAM FISCHER BUILDING
BLOEMFONTEIN on
WEDNESDAY, 20 SEPTEMBER, 2023 at 10H00**

ATTENDANCE REGISTER

#	NAME	PARTY	LEAVE
1	<u>Speaker</u> Cllr Davies (Maryke)	DA	
2	<u>Acting Executive Mayor</u> Cllr Nthatisi (Gregory Mosala Solomon)	ANC	
3	<u>Acting Council Whip</u> Cllr Nikelo (Vumile Edwin)	ANC 28	
SECTION 79 CHAIRPERSONS			
4	<u>Rules</u> Cllr Mokgothu (Tona Kenosi Wilfred)	ANC 2	
5	<u>MPAC</u> Cllr Makoloane (Itumeleng Justice)	ANC 36	
6	<u>Petitions and Community Liaison</u> Cllr Morake (Molefi Andries)	ANC	
7	<u>Remunerations</u> Cllr Tladi (Motshewa Martha)	ANC	
8	<u>Public Places and Street Naming</u> Cllr Mogotloane (Thabo Joel)	ANC 39	
INTERIM MMCs : CHAIRPERSON OF SECTION 80 COMMITTEE			
9	<u>Economic Development and Spatial Planning</u> Cllr Jonas (Vuyelwa Eunice)	ANC	
10	<u>Waste and Fleet Management</u> Cllr Mosala (Motlhokung Theodorah)	ANC 11	
11	<u>Performance Management, Monitoring and Compliance</u> Cllr Tsoleli (Sibongile Pearm)	ANC	
12	<u>Infrastructure and Engineering</u> Cllr Soqaga (Vusumzi Simon)	ANC	
13	<u>Finance</u> Cllr Kruger (Caprice Logan)	ANC 16	
14	<u>Human Settlements</u> Cllr Nhlapo (Ntombi Anna)	ANC	
15	<u>Public Safety and Transport</u> Cllr Titi-Odili (Lulama Magdalena)	ANC	
16	<u>Rural Development</u> Cllr Twala (Pani Sidney)	ATM	
17	<u>Community Services</u> Cllr Qai (Alfred)	AIC	
18	<u>Corporate Services</u> Cllr Letawana (Manthuse Maria)	ANC	

19	Cllr Campher (Zaandre MC)	DA	
20	Cllr De-Huis (Dikeledi Jane)	EFF	
21	Cllr De Kock (Valerie Belinda)	FFPlus	
22	Cllr Denner (John Henry)	FFPlus	
23	Cllr Dennis (Magdalena Elizabeth)	DA	
24	Cllr Ferreira (Thomas Ignatius)	DA	
25	Cllr Klaasen (Raynie Sarah)	DA	
26	Cllr Letsoko (Mantwa Sanah)	EFF	
27	Cllr Lipale (Gopolang Jeremiah)	EFF	
28	Cllr Makau (Pitso Elias)	EFF	
29	Cllr Malebo (Deliwe Lettia)	EFF	Absent without apology
30	Cllr Maiela (Motiki Edwin)	DA	
31	Cllr Mathae (Bongani Lawrence)	ANC	
32	Cllr Masoeu (Thapelo David)	DA	
33	Cllr Matsoetlane (Maditaba Joyce)	ANC	
34	Cllr Mogotsi (Mamahlape Elisa)	EFF	
35	Cllr Mohlamme (Lebohang Lerato)	DA	
36	Cllr Mokoena (John Itumeleng)	AASD	
37	Cllr Mongale (Mojalefa William)	AASD	
38	Cllr Moreeng (Kabelo Christopher)	DA	
39	Cllr Mtshakazane (Eunice Xoliswa)	EFF	
40	Cllr Njiva-Lebajoa (Mamotse)	DA	
41	Cllr Phohleli (Tsholwane Eddy)	EFF	
42	Cllr Phupha (Ntsoaki Agnes)	PA	
43	Cllr Ramatlama (Mpho Joseph)	EFF	
44	Cllr Rampai (Pule Joseph)	ACDP	
45	Cllr Rasoeu (Lempe Ernest)	DA	

46	Cllr Sebolao (Jankie Elisha)	EFF	Absent with apology
47	Cllr Shale (Nkahiseng Reginah)	EFF	
48	Cllr Snyman van Deventer (Elizabeth)	FFPlus	
49	Cllr Terblanche (Arthur Phillip)	DA	
50	Cllr Thomas (Johannes Beleme)	EFF	
51	Cllr Thwala (Zwelinjane Jonathan)	DA	
52	Cllr van der Ross (Kevin Etienne)	PA	Absent with apology
53	Cllr van Rensburg (Corize)	DA	
54	Cllr Viviers (Benhardus Jacobus)	DA	
55	Cllr Vorster (Braam)	FFPlus	
56	Cllr Wewege (Mare-Lize)	FFPlus	
WARD COUNCILLORS			
57	Cllr Sefaki (Samuel)	ANC 1	
58	Cllr Machachamise (Tshepiso Oudious)	ANC 3	
59	Cllr Supi (Mahoko Harold)	ANC 4	
60	Cllr Lecoko (Lehlohonolo Nathaniel)	ANC 5	
61	Cllr Moilola (Tshidiso Petrus)	ANC 6	
62	Cllr Sehloho (Siza Clement)	ANC 7	
63	Cllr Nyaphudi (Likeleli Julia)	ANC 8	
64	Cllr Tlhakung (Betty Masetlhabi)	ANC 9	
65	Cllr Setlai (Teboho Lesley)	ANC 10	
66	Cllr Hashatsi (Rafedile)	ANC 12	
67	Cllr Siteo (Nombulelo Dorcas)	ANC 13	
68	Cllr Lekgetho (Lebogang Winston)	ANC 14	
69	Cllr Mohibidu (Pulane Martha)	ANC 15	

70	Cllr Mohatle (Mampone Sally)	ANC 17	
71	Cllr McKay (David Mark Campbell)	DA 18	
72	Cllr Peter (Seth Qondile)	ANC 19	
73	Cllr Pretorius (Werner)	DA 20	
74	Cllr Lotriet (Pieter Adam)	DA 21	
75	Cllr Leech (Dulandi)	DA 22	
76	Cllr van der Walt (Tjaart Botha)	DA 23	
77	Cllr Kotze (Gerhardus Dirk Petrus)	DA 24	
78	Cllr Botes (Francois Rossouw)	DA 25	
79	Cllr van Niekerk (Hendrik Johannes Christiaan)	DA 26	
80	Cllr Banyane (Zachous Nechodemus)	ANC 27	
81	Cllr Matsephe (Mere Joel)	ANC 31	
82	Cllr Tukula (Teboho Daniel)	ANC 30	
83	Cllr Mabena (Mere Joel)	ANC 31	
84	Cllr Menyatso (Thabang Victory)	ANC 32	
85	Cllr Mohono (Tshidiso Augustine)	ANC 33	
86	Cllr Tshwane (Kabi Daniel)	ANC 34	
87	Cllr Fantisi (Teboho Samuel)	ANC 35	
88	Cllr Ramolele (Mmota Simon)	ANC 37	
89	Cllr Matsoso (Molahloane Florenciah)	ANC 38	
90	Cllr Pholoholo (Ntebaleng Petunia)	ANC 40	
91	Cllr Dintlhwane (Mantja Agnes)	ANC 41	
92	Cllr Mothupi (Maqoma Lazarus)	ANC 42	
93	Cllr Nkiane (Mpho Elizabeth)	ANC 43	

94	Cllr Pretorius (Selmé)	DA 44	
95	Cllr Mathe (Lisiwe Jeanette)	ANC 45	
96	Cllr Majoro (Mpho Samuel)	ANC 46	
97	VACANT	47	
98	Cllr Pretorius (Johannes Christiaan)	DA 48	
99	Cllr Lekhwele (Mohanuwa Julia)	ANC 49	
100	Cllr Monare (Thabo Nicholus)	ANC 50	
101	Cllr Mohulatsi (Mamoorosi Margaret)	ANC 51	

PRESENT

OFFICIALS

- | | |
|--|-------------------|
| 1. Acting City Manager | Ms MJ Ntshudisane |
| 2. Acting HoD: Corporate Services | Adv N Mpangane |
| 3. Acting HoD: Planning, Economic Development and Planning | Ms N Mabunda |
| 4. Acting HoD: Waste and Fleet Management | Mr F Nel |
| 5. Acting HoD: Social Services and Public Safety | Ms MA Mafisa |
| 6. Acting HoD: Technical Services | Mr R Masobeng |
| 7. Acting Chief Financial Officer | Ms N Sitishi |
| 8. Chief Executive Officer: Centlec | Mr M Sekoboto |
| 9. Transport Specialist | Mr C Manyungwana |
| 10. AGM: Committee Services | Ms Xoliswa Qilo |
| 11. GM : Legal Services | Ms C Naidoo |
| 12. Acting Manager: Council Support | Ms R Mamatela |
| 13. Secretariat | Ms K Nziweni |

Note by Secretariat

1. **Attendance Register:** Every member attending a meeting shall sign his/her name in the attendance register kept for this purpose before the commencement of the meeting.
2. **Leave Register:** In order to streamline administrative processes Councillors are friendly requested to submit applications for leave of absence in the appropriate register kept for this purpose. Members are requested to fill in this register 12 hours before the commencement of the meeting (Rule 22.2) (Leave Form).
3. **Name-plates:** Councillors are friendly requested to please take along their name-plates and to display it throughout the meeting.
4. **Apologies during the course of the Council meeting:** Councillors are friendly requested to complete in full and submit the relevant apology form for this purpose (Leave Form).
5. **Code of Conduct:** Councillors are reminded of item 3, Schedule 1 of the Code of Conduct for Councillors which reads as follows, namely:

Attendance at Meetings: A councillor must attend each meeting of the Municipal Council and of a Committee of which that councillor is a member, except when:

- (a) leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council or
- (b) that councillor is required in terms of this Code to withdraw from the meeting.

6. Meeting rules:

- i. All Councillors must arrive at **least 15 minutes before the commencement** of the Council and all other Committee meetings;
- ii. Cellular phones **must be in silent mode** and **speaking on a cellular phone during the meeting is prohibited**; (Rule 50.2a)
- iii. A Councillor who speaks must **confine his or her speech strictly to the matter under discussion**; (Rule 31)
- iv. Unless expressly otherwise determined, a Councillor **may speak only once on a matter**; (Rule 32)
- v. No speech shall exceed **five (5) minutes** in length without the consent of the Speaker. (Rule 34.1)
- vi. Council members are reminded to uphold high level of good conduct during Council proceedings (No disruptions, no interruptions, no howling, no swearing to other Council members, less movement in the Chamber, no abuse of the PA system).

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**MINUTES
(OPEN COUNCIL)**

147.

OPENING

(MOMENT OF SILENT CONTEMPLATION FOR MEDITATION AND PRAYERS)

The meeting commenced at 10h05.

The Speaker officially declared the meeting opened and requested all to observe a moment of silent contemplation for meditation and prayers.

NOTED.

148.

NOTICE OF THE MEETING

The Speaker read the notice as on page 2 of the agenda.

NOTED.

149.

APPLICATIONS FOR LEAVE OF ABSENCE

All relevant leave of absence and apologies were recorded and minuted as such in the attendance list on the first pages of the minutes.

NOTED.

150.

ACCEPTANCE OF THE AGENDA

Cllr Ramatlama moved for the adoption of the agenda as it is and was seconded by Cllr DE Matsephe.

NOTED.

151.

ANNOUNCEMENTS

The Speaker made the following announcements:

- That as there were no translation services all Councillors were asked to speak in English.
- That Councillors received e-mails from the Speaker's office regarding the declaration of interest for 2022/23 financial year and be submitted to the office of the Speaker by Friday 22 September 2023.

NOTED.

152.

DECLARATION OF INTEREST

None.

NOTED.

153	REPORTS FROM THE EXECUTIVE MAYOR
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None.

NOTED.

154	REPORTS FROM THE SPEAKER
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None.

NOTED.

155	MPAC REPORTS
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None.

NOTED.

156	IN COMMITTEE REPORTS
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None.

NOTED.

157	MOTIONS
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1.

MOTION OF NO CONFIDENCE AGAINST THE COUNCIL SPEAKER OF MANGAUNG METROPOLITAN MUNICIPALITY IN CONTRAVENTION OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 AND THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, ACT 117 OF 1998 AS AMENDED AND THE STANDING RULES AND ORDERS OF COUNCIL OF MANGAUNG METROPOLITAN MUNICIPALITY

The Speaker, Cllr M Davies stated that she will be excusing herself from the discussion of the item and that the Acting City Manager, Ms MJ Ntshudisane will be the chairperson of the proceedings.

On a point of order, Cllr MM Tladi indicated that it will be right for the Speaker not to preside over the meeting and that a new Chairperson be elected for the proceedings.

The Acting City Manager, Ms MJ Ntshudisane as the Chairperson of the meeting explained the procedure as follows: "That in terms of the Municipal Structure Act, if the Speaker of the Municipal Council was absent or not available to perform the functions of the Speaker or during a vacancy, the Council must elect another councillor to act as Speaker and also added that, in terms of Section 36 of the Municipal Structure Act, the election of the speaker, the municipal manager of the municipality or if the municipal manager is not available, the person designated by the MEC for Local Government in the Province presides over the election of the Speaker. So on that basis, Honourable Councillors, I would then facilitate the process of the election of the Acting Speaker for today's Council meeting."

Cllr MJ Mabena needed clarity that if the Acting City Manager was presiding on the election of the acting speaker or on the motion.

The Acting City Manager, Ms M Ntshudisane explained that she was only presiding on the election of the Acting Speaker for the purposes of the Council meeting and then the Acting Speaker will preside over the motion.

The Acting City Manager, Ms M Ntshudisane requested nominations for the election of the Acting Speaker for the Council meeting.

Cllr DE Matsephe nominated Cllr PM Mohibidu and was seconded by Cllr LM Titi-Odili. Cllr PM Mohibidu accepted the nomination.

Cllr GDP Kotze nominated Cllr BJ Viviers and requested a secret ballot in accordance to the Municipal Structures Act. Cllr ME Dennis seconded the proposal by Cllr GDP Kotze. Councillor BJ Viviers accepted the nomination.

Cllr DJ De-Huis nominated Cllr GJ Lipale and was seconded by Cllr MJ Ramatlama. Cllr GJ Lipale accepted the nomination.

Cllr E Snyman van Deventer seconded the request for a secret ballot.

Thereafter, the Acting City Manager received all signed nominations forms. She then read Rule 13.6 of the Standing Rules and Orders: *"In the event of that been opposition to a recommendation, the proposal to be decided upon will be done by a means of voting either by show of hand or if requested and approved by the Speaker or Chairperson by way of secret ballot."*

- She mentioned that as Chairperson of the meeting, using her discretion on how to approach the election and by virtue of the fact that it is for the purpose of electing an acting speaker, she will then take a decision that it will be done by show of hands.

Cllr JC Pretorius indicated that the Council was guided by the Municipal Structure Act, Schedule 3 on electing a speaker or a acting speaker which also outline the procedure set out for the election of the speaker and that a speaker can only be elected by a secret ballot and therefore pleaded that the Chairperson do the right thing as it was going to be unlawful if she made that ruling.

Cllr CL Kruger on a point of order, indicated that the Acting Chairperson made it abundantly clear that the authority rested to the acting speaker and therefore why was the Council allowed to debate on the issue, which was final and then requested that the Council proceed with the election.

Cllr BJ Viviers on a point of order indicated the following: "That the Supreme Law of the Republic of South Africa is the Constitution, then there were acts, like the Municipal Structure Act and the Municipal System Acts, then by-laws which is much lower than other acts.

So unfortunately Chairperson and even if it means that the Acting City Manager need to take some time to get legal advice the Acting City Manager cannot put the by-laws and Standing Rules and Orders in front of the Municipal Structures Act and the Municipal System Act. Thank you Chairperson."

Cllr LM Titi-Odili supported what Cllr CL Kruger raised that the Council should proceed with the election of the acting speaker.

Cllr E Snyman van Deventer remarked: “Chairperson, it seems like that Councillors were not listening when people were speaking. Earlier you said that you will be in charge of the election of the acting speaker and there was a question what are you going to do. Again now Cllr BJ Viviers explained how it works in terms of the constitution and other legislation, by-laws the Mangaung Standing Rules and Orders cannot over-write legislation, it is easy as that. That is why we need to revisit the Standing Rules and Orders which the chairperson is organising. Thank you, Acting City Manager.”

Cllr MM Tladi indicated that the Council do have a Speaker and Cllr M Davies recused herself. An acting Speaker should be elected to preside over an item to remove the Speaker. Currently Council do have a Speaker, but she recused herself from the meeting for the discussion of the item of motion of no confidence.

Cllr MJ Mabena indicated that previously Council discussed and debated on this kind of issue and made example of the UDM court case. Furthermore if the presiding officer felt that it was not a threat to the Council or cause anything then she was allowed to do that.

Cllr SP Tsoleli indicated that the Councillor was misleading the house by saying that the Municipal Structures Act states that when voting for the acting speaker, it supposed to be through secret ballot. She indicated that the amended Municipal Structure Act was not outlined that; it only stipulated secret ballot when electing the speaker.

She then read out Section 41 of the Municipal Structure Act as amended on acting speaker, as follows: “ if the speaker of a municipal council is absent or not available to preform the functions of speaker, or during a vacancy, the council must elect another councillor to act as speaker.”

- That was also outlined in the Standing Rules and Orders on what should happen, meaning the discretion of a Chairperson in this regard, was final.
- That Council should not have selective amnesia, that there was a precedence in the Council when the Speaker eloquently stated that her discretion was final and she said in on numerous occasion in the Council. Therefore, the Council should not waste time debating the matter and elect a person who will stand in for the period while the Council debate the motion of no confidence against the Speaker, because currently, Council still had a Speaker.

Cllr MM Letawana stated that she fully agreed with quote read on advising Council on how the process should be conducted and furthermore that there were more than enough evidence on matters like this that were presided over before.

Cllr MW Mongale remarked as follows: “When we look at Schedule 3 of the Municipal Structure Act, Act No.117 of 1998 and its regulations as amended, it says that in Section 1, on the application:

the procedure set out in this schedule applies whenever a municipal council needs to elect a speaker and executive mayor, a whip, a mayor or deputy mayor.

Under Section 6: election procedure: that if more than one candidate is nominated under (a) it says” *a vote must be taken at a meeting by a secret ballot.*

Now it is very clear because we cannot be trapped into symptomatic or trying to define the speaker and acting speaker, whether you are a speaker or acting speaker, your duties are the same. The Councillor will be presiding at this Municipality, it is the same Council. Now people should not try and create an impression that for the acting, the rules does not apply and we cannot even elect an acting, because what is the acting going to do? We are arguing that we have a Speaker, and we do have a Speaker, why is she not sitting there? We do not have a Speaker at the moment. We should not argue with emotions, but look at what the legislation is saying. Legislation guides us.

The Acting City Manager, you might be involved in an illegal activity if your judgement is not correct. There is a legislation, *Schedule 3, Section 1 and Section 6, (Paragraph A)*. It is very clear on what you should do, and people should not try to trick you in believing that the Acting Speaker have to sit on the Speaker's chair and perform the same duties of the Speaker. So there is no distinction between the two. I have just clarified the matter and it has been laid to rest."

The Council Whip, commented: The Acting City Manager, I implore, that we have been discussing this item for a very long time and everybody who is going to speak is going to repeat the same after the same. Whether it is right or wrong, legislatively, I would implore to you to rule on this matter once and for all. So that we can continue with the meeting, because my issue and understanding is, we have the Speaker of the Council, who recused herself on an item that she feels that she is conflicted on it, and she needs to participate actively on that particular matter and as a result of that, the Mangaung Metropolitan Municipality still has the Speaker. We were just discussing this item, and when we are discussing the item, it means we are designating a person who would preside over this item, and once this item is done then it means the Speaker will come back and continue with her work, because she is still the Speaker.

So whether legislatively or not, if we did not have the Speaker and the Speaker have resigned, then we would have discussed these issues of schedule 3 and we won't even have been discussing the issue of Schedule 3, because it is clear to say what it is that needs to happen, but in this case we are just designating a person and therefore I would request you the Chairperson to rule on this matter and allow the Council to proceed. Thank you."

CIlr W Pretorius remarked and referred the Council to the Standing Rules and Orders, Rule 49 and therefore read it as thus: *"The Speaker may refer the matter for legal advice"*. It is quite clear there is a difference in opinion here, and as a Council it is best to seek for Constitutional Rule of Law.

It would be pertinent for your office to refer this matter for legal advice and it would not take that much time, that we have legal certainty to make a principle decision and if we ensure that we are actually following the right procedures. The Standing Rules and Order does make provision for it and I would strongly advised that we as a Council follow this route. In addition, Madam Acting City Manager, I am not sure why our colleagues are so scared of a secret ballot."

The Acting City Manager, Ms M Ntshudisane requested a 15 minutes adjournment to seek for a legal opinion.

After the 15 minutes adjournment, the Acting City Manager, Ms M Ntshudisane, confirmed that 97 Councillors were present and thus forming a quorum. She then gave feedback as follows: “After hearing all the comments and debates that were brought forward by Councillors and also after seeking for legal advice, as the Chairperson of this session, I have come to conclusion that Section 41 of the Municipal Structures Act is not prescriptive in terms of the acting speaker, firstly.

Secondly the Acting Speaker for the purposes of our session today, serves as a chairperson and does not take up all the responsibilities of a Speaker. We still do have a Speaker of the house and on that basis, I will then invoke the powers vested in Rule 13.6 and then take a decision that the process of electing an acting speaker will be by show of hands.”

Cllr T van der Walt on a point of clarity remarked: “I would like to make sure that we are all in agreement that, if the Council for any reason should not have a permanent Speaker after today’s meeting, the acting speaker elected, is just for this meeting and should there be a following meeting and should we not elect a permanent speaker, if there is a vacancy then this acting speaker would not preside at that meeting and we would be electing another acting speaker at that meeting? Thank you.”

The Acting City Manager, Ms M Ntshudisane responded that the process was an application in accordance to Section 36 of the Municipal Structures Act, meaning that it was for the purpose of the Acting Speaker to facilitate over the current Council meeting.

Council was allowed to vote and the outcomes were as follows:

**Cllr PM Mohibidu = 53
Cllr BJ Viviers = 30
Cllr GJ Lipale = 10
Abstained = 4**

The Acting City Manager, Ms M Ntshudisane declared, Cllr PM Mohibidu as the Acting Speaker for the purpose of the present Council meeting.

The Acting Speaker, Cllr PM Mohibidu ascended to the chair as the Acting Speaker of the meeting.

She addressed the Council as follows: “Good morning Councillors, my work is just to preside over the motion of no confidence, submitted by African Transformation Movement.

As the Speaker read the motions, Cllr JC Pretorius raised a point of order that in terms of the Standing Rules and Orders, the person who had put the motion forward must table the motion, and as the Speaker she was not allowed to table the motion.

The Speaker indicated that she was not tabling, but introducing the motion, and that she was aware that Cllr PA Twala submitted the motion and therefore he will present it to Council.

Cllr PS Twala was then allowed to table his motion of no confidence against the Speaker:

“Honourable Speaker of the session, may I take this opportunity to thank you for allowing us the opportunity to speak on a matter that has been so illusive to debate in this August house since it was first lodged with the Speaker’s Office. Today as the African Transformation Movement, we look back with mixed emotions on a road we have travelled so far in order to get the motion debated and dispensed off. We must outrightly state that it has been painfully difficult to get the Speaker to accede to a simple request, to consider tabling this motion for discussion by this house. We have had to vacillate from pillar to post in order to satisfy the ego of the Speaker to convince her to allow us our democratic rights to initiate and debate a motion calling for her removal.

As expected she stood uncharacteristically on the way of this house to debate the motion in defence in her personal interest to the position of the Speaker. The first attempt to get the Speaker to grant this house the right to consider and debate the motion was first canvassed on the 15th May 2023. On the 17th May 2023, the Speaker then wrote back to us in acknowledging received of the intend to debate the motion. In a sudden turn of events, without fully applying her mind on a simple and straight forward guidelines governing motions, the Speaker refused us the right to consider the motion. She relied on a wrong interpretation of Rule 29.5 of Council Standing Rules and Orders, citing reasons that the motion was in fact premature.

On the 22nd of May 2023, the Acting City Manager then, wrote back to us only to indicate that in terms of Rule 29.10 of our Standing Rules and Orders, she was indeed satisfied that the request to have the motion debated, had indeed past the test of scrutiny of our Standing Rules and Orders. On 1st of June 2023 persuaded by the correct interpretation of our Standing Rules and Order by the Acting City Manager, Ms Dumalisile Ngaka, the Speaker then wrote back to us, indicating that she would now consider to table the motion for discussion in the ensuing Ordinary Council sitting.

On the occasion of such an ordinary Council sitting on the 5th July 2023, the ATM was unceremoniously taken back by the unilateral decision of the Speaker to withdraw the item from the Council agenda citing reasons that the matter could not be considered in a Special Council meeting.

When finally the motion was considered for discussion on an ordinary Council meeting, the Speaker uncharacteristically withdrew the item on the grounds that her conduct was a subject of the courts and this would be an appropriate to discuss it. The Speaker cited reasons which did not have any material barring to the courts and evoked Rule 29.12. On the 13th July 2023 we then had to delist a revised motion in order to satisfy the supreme interest of a person who is a subject of the motion.

We have gathered here today, to present cogent arguments bothering on the gross failure by Cllr Maryke Davies to preside over Council meetings and taking decisions without allowing Councillors’ the right to debate matters conclusively. Over several Council meetings the African Transformational Movement has noted with concern the inability and incompetence of the Speaker in terms of fulfilling her role accordingly as the Speaker of Council. Part of being the Chair of Council is to make sure that all decisions taken or being deliberated on during a Council sitting, must abide with the law as stipulated in the Municipal Structure Act, the Constitution of the Country as well as the Standing Rules and Orders of Council.

The African Transformational Movement advocates in one of its values for a professionally run Municipality with skilled officials protected from political patronage. It is in this regard that it should be noted that the conduct of the Speaker, speaks direct opposite on this, hence reference should be made to the Council of 25 April 2023, when she tabled a debate on the method of voting in, of the Acting Executive Mayor, which she did not allow the meeting to decide on, by unilaterally deciding to use a secret ballot. She gave herself powers that were not provided for in the Standing Rules and Orders of the Council. Not only does this effect the operations of the political wing of the institution but it also bears negative impact to the provision of basic services to the community of Mangaung, who have put their trust and hope into the elected Councillors of this Council and it also deepens the status of political instability that the Municipality is currently experiencing. It is evident that the Speaker does not have a fitting role in the position after failing to conduct the Council in accordance with the municipal laws which led to unlawful decisions been taken that could have put the Municipality in jeopardy.

Honourable Councillors, as the African Transformational Movement, we implore unto you to take into considerations when deciding on this item, that the Speaker has indeed misled the Council and contravene the supreme paramount law of the Country and Local Government Legislations, including the Standing Rules and Order of the Council. The African Transformational Movement therefore has decided to submit and tabled this motion of no confidence against the Speaker and request that this Council be afforded an opportunity to elect the new Speaker. I thank you.”

Cllr TM Mosala delivered her speech to Council to support the motion as follows: “Motsamaisi wa Dipuisano, ere ke re madume ho Majoro wa Masepala wa Mangaung, Ba Lekgotla ka kakaretso. You know, the fact that we do not have a translations services, it shows that Speaker is not fit enough to hold the office. How did she come to a decision of not procuring a translating gadgets on this important day. It is within my rights to speak the language that I am comfortable with...”

Cllr JC Pretorius raised a point of order that Cllr TM Mosala was misleading the house, because at the beginning of the meeting, Cllr M Davies did mention that there were no translations services as TROIKA decided to save money.

Cllr MT Mosala continue: “The same Constitution that everybody has been crying about gives me the right to speak my language as and when I deem it necessary and as and when I am comfortable to. So can we please get that right, it is within my right. I am going to speak in my language or any other language that I feel comfortable in...”

As Cllr MT Mosala continued in Sesotho, Cllr D Leech raised a point of order that Cllr MT Mosala to withdraw what she said about the current Speaker, not just the DA’s Speaker but the Council Speaker and that the Speaker was fit for purpose and should she not withdraw, the Council Whip and the Executive Mayor were also not fit for purpose because they also serve in TROIKA.

The Council Whip, Cllr VE Nikelo remarked: “Thank you, Madam Speaker. I think I need to clarify this matter, probably, it might not have come out correctly or some Councillors could not hear what Cllr M Davies was saying.

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I want to put it on record today, to say indeed, one of the decisions that we took at the level of TROIKA is that, too many special Council meetings, they are costing the Municipality and as a result of that, as part of cost containment and also to play our role as Council in terms of the Financial Recovery Plan, we need to make sure that we limit such efforts and in this case, I would want to implore all Councillors if in this case, there is someone to be blamed for issues of translation devices, it is us as TROIKA because we sat in a meeting and agreed upon that. As a result of that, I am going to request all Councillors who will be speaking; to use the language that would be understood by everybody, because there are no translations devices.

I would like to apologise on behalf of other Councillors who would have wanted to expressed themselves in a language they wanted to express themselves in, but for the purpose of this meeting as it was indicated at the beginning of the meeting by the Speaker to ensure that we use the language that will be acceptable to all, which is English. Thank you, Madam Speaker.”

Cllr MT Mosala continued: “Thank you, Madam Speaker and thank you Council Whip for clarifying the issue at hand. As I was saying in simple terms the long and short version of everything. As I substantiate and add and second on what Councillor PS Twala has put before Council, since the election of the Speaker on the 28th March, just to add on what he has said.

The Council sitting on 12 July 2023, Council agenda item 113.1; report on Council Resolutions for the 1st Quarter of 2021/2022 financial year and 1st and 2nd Quarter 2022/2023 financial year, 4th Quarter Report passed through the Council on the 7th November 2022, the item 187.1, not only that the resolution register was not accurate it was mixed up. It was not a true reflection of what this August house resolved.

The long and short version of everything is that, what I am trying to say is that, the Speaker as the custodian of the resolutions register in this Council, failed a simple task of keeping and updating a proper and correct and accurate resolution register. That also shows that the Speaker is not fit to hold the office that the Council trusted her to.

The item that I am referring to Item 113.1, on the same date of 12 July 2023 was referred back. It was the item of the Speaker. Speaker without even mincing many words, or without fear or favour she accepted as she was sitting where you are sitting now Acting Speaker, that she did not do due diligence, she failed a simple task to keep the correct and accurate register of the resolutions of the Council. As a result she referred the item back. That was an acknowledgement from her sides saying, “you know what agreed in principle that I do not have capacity”.

Last but not least in the same certain date of the 12th of July 2023, item No 116.1, 116.2, 116.3, 116.4 and 117 were not dealt with by the Council, mainly because the caucus where the Speaker belongs staged a walk out. Despite several attempts we made as Councillors, to the Speaker to continue with the Council, Speaker decided single handedly to adjourned the Council, maybe because of peer pressure. It can be an element of many things, but she decided to adjourned the Council despite the walk out, the Council had a quorum.

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I want the citizens of Mangaung to take note that, the current Speaker is one of the reasons that we are delaying as the City to appoint Senior Managers, because on the date of that Council, item 116.2 was the item that was supposed to deal with the matter of appointment of the senior managers in this institution, but because, the Speaker decided single handedly without even giving us a hearing, at that point that it is not necessary for us to deal with the matter of appointing Senior Managers. It is against this background that as the ANC Councillors, we are supporting the motion of no-confidence against the Speaker of this Council. We are seconding the motion tabled by the African Transformation Movement, Cllr PS Twala. Thank you.”

Cllr MW Mongale referred the Council to page 3, under point 4: Recommendation, it indicated that the motion proposed by, but don't know who proposed and the person who seconded the motion.

- That the presence of a signature, did not automatically indicate the person who moved for the motion; which might be any person who is not qualified to move for the motion, who is not a Councillor for that matter.
- That the petition of the ANC, on page 7, the ANC had two additional Councillors on top of the 51 Councillors they have, Cllr A Qai and Cllr PS Twala.
- That it be on record that Cllr A Qai is a Councillor of African Independent Congress and Cllr PS Twala is a Councillor of the African Transformation Movement.
- That according to records of the Council, ANC did not have 53 Councillors, however on the petition, the ANC have 53 Councillors. The reason for saying that, is the Council is live of Facebook and the leaders of these two parties would see that they were with the ANC and therefore the petition was unlawful as well as the calling of the Council meeting.
- That for the Council to be called in the absence of the Speaker, it must possess a 50 plus 1 of the Councillors of Mangaung, to be practical in this particular case.
- That the Speaker should consider that as Council was not properly convened and that if the Speaker did not agree, she can seek legal advice to check if the Council sitting was convene properly, was it called by 50 plus 1 Councillors as per the procedure, or the two Councillors were supposed to have written separate petitions from their respective parties to add the number to go to 50 plus 1. That he was raising this, as it was a legal matter and if Speaker cannot rule on it, then she needs to seek legal opinion.

In responding, the Acting Speaker referred to page 1 of the Petition received from the ANC, she read under purpose of the petition, point 1.1 to 1.2. She further stated that ANC had the majority and point 1.3 stated that “We, majority of Councillors of Mangaung Metropolitan Council, whose signature are appended as annexure marked A, hereby petition the Speaker to convene a special meeting.”

Cllr DJ De-Huis on a point of order requested clarity and that it be on record, whether Mangaung had 53 Councillors from the ANC?

Cllr SP Tsoleli on a point of order indicated that both Cllr DJ De-Huis and Cllr MW Mongale were out of order, because the matter that was on the table was the motion and the petition indicated that the majority of Councillors of Mangaung irrespective of the party.

The petition indicated that majority of the Councillors had signed the petition and therefore the Speaker had to call a special Council meeting. She further mentioned that there was nothing unlawful about the Council meeting, because the majority of the Councillors signed the petition and therefore the Special Council sitting was lawful.

Cllr De-Huis on a point of order raised that she had a concern regarding the logo that was used on the attached letter from the African National Congress, meaning the African Transformation Movement (ATM) and African Independent Congress fall under ANC, because the logo used were not from the two parties.

Cllr MM Letawana on a point of order indicated that it is a Council meeting and that it will be proper for Councillors to refer to Standing Rules and Orders or Legislation. The register of petitions has to be signed by political parties and therefore it does not matter if the logo is ANC and other parties signed the petition, because the motion was submitted by ATM, but supported by the ANC.

The Council Whip, Cllr VE Nikelo indicated: “Majority of Councillors need to respect the community of Mangaung especially the speakers. The Council meeting is on a livestream and people are watching and their behaviour that are playing in the Council meeting leaves much to be desired, especially for the legislature of Mangaung. People who are expected to be responsible and reasonable in most of the time and not waste time of the viewers out there. Whether the petition has been signed by the majority of the Councillors or not, the signatures on the petition are 53 and information has been written there.

Whether Councillors were at different parties it does not matter, because the petition has been signed. Other issues that has been raised in terms of legalities and everything that has been indicated, those issues would be dealt with. Subsequent to that, Council must decide on the matter. One critical element that he would like to request the Speaker to do, is to allow speakers to speak because you have recognised them and further to that to give the Speaker, Cllr M Davies her right to reply, because that is what the people of Mangaung are waiting for after everything that has happened. He also plea the Speaker to stop entertaining things that are been said and recognised Councillors to speak, and subsequent to that the August house will take the decision and the people of Mangaung will also on their own will be the arbiters with everything that has transparent in this meeting.”

Cllr JC Pretorius remarked: “ Thank you, Madam Acting Speaker. Through you, Cllr P Twal, I don’t know when you became the porn of the ANC, but this motion is in totality ridiculous. And it is a witch hunt that take this Council nowhere.

Cllr TM Mosala on a point of order stated: “Madam Speaker, a speaker calling a Councillor a porn is an insult. I humbly request that you instruct the Councillor before the podium to withdraw the word and apologise to Councillor P Twala.”

Cllr D Leech on a point of order indicated that Cllr TM Mosala still did not withdrawn hers, saying our speaker is not fit for the office.

Cllr JC Pretorius withdrew his statement on calling Cllr P Twala a porn, but he also called him a puppet of the ANC. On a point of order, Cllr P Twala remarked that name calling was not professional regardless how one feels and he felt offended. He therefore requested that Council JC Pretorius to withdraw and apologise.

Cllr JC Pretorius withdrew and apologise to Cllr P Twala. Cllr JC Pretorius continued: “So this motion is in totality ridiculous, and is actually just a witch-hunt that will take this Council nowhere. Council P Twala can we also teach you that we do not say the Rules and Standing Orders as put forward on page 2 of your motion. The correct way of putting it, is the Standing Rules and Orders. In point 3(a)(1) of your motion you also make a big noise about the decision of the Speaker in Council of the 25th of April, where she did not allow the debate in Council on the voting method. Through you Madam Speaker, Councillor P Twala, where in the Standing Rules and Orders did you and your ANC friends dig this one up. Please assist to show this house Councillor M Davis as the Speaker of this Council has the full authority to rule that the Acting Executive Mayor election must be held by means of a secret ballot, and your accusations are totally out of order. Point 2 is an absolute lie.

There was political parties that requested a secret ballot and the claim that the Speakers action was ultra vires is misleading and untrue. Through you Madam Speaker, Councillor P Twala do you really know what ultra vires means? We also need to mentioned that Section 6A of the Local Government Structures Act 117 of 1998, give clear guidance on and in particular the executive mayor’s and I quote, “if more than one candidate is nominated a vote must be taken at the meeting by secret ballot.” Read your legislation. Your allegation on 1.3(b)(1) and (2) is completely wrong and baseless. In the Mangaung Metropolitan Standing Rules and Orders, Rule 16.1 it is stated, “that if during any sitting of the Council/Committee attention of the Speaker/Chairperson is called to the numbers of members present. He/she shall count them and if found that there is no quorum present the matter shall be dealt with accordance Rule 12. For a Speaker to take action against councillors staging a walk out is not lawful and against Section 17, of the Constitution of the Republic of South Africa.

In its number 116, 1996 the Bill of Rights, which states that everyone has the right to peacefully and unarmed to assemble to demonstrate to picket to present petitions. Which give councillors the Constitutional Right to demonstrate by walking out of a Council meeting. Funny how the ANC have amnesia when it comes to their collision partners, my memory served me right, a motion of no confidence in the President of the Republic of South Africa, Mr Cyril Ramaphosa was tabled by the African Transformation Movement (ATM) on the 11th of February 2020. The basis for the motion was in essence, the contention of the ATM, the state entities has collapsed under the watch of the president and that he had mislead the parliament by the stating that there would not be loadshedding anymore. So the ATM put motions against your own president, but you are fine with that.

Cllr M Davis, the Speaker of this Council offended the rights and privileges of all members without exception and ran the house impartially and protected the right to freedom of expression in accordance with the ethical principles. As the Speaker of this Council she was at all times totally neutral to ensure that the Standing Rules and Orders were respected and that a democratic debate took place. It is the first time in my fourteen (14) years as a Councillor that the Mangaung Council had a Speaker with this much integrity. The Democratic Alliance (DA) rejects this motion in totality and we want to plea with the Council to do the same, we also want to ask under points 13.6 of the Standing Rules and Orders, that the Acting Speaker to give us a secret ballot for voting on this motion. Thank you.”

Cllr GDP Kotze delivered his speech to Council: “Thank you, Acting Speaker. I must state that I am very disappointed with this motion that was tabled against the Speaker of Council. This is another waste of time because this is not a motion about Councillor M Davis fitness in her office, but rather the need for power in the Mangaung Metropolitan Municipality by the stakeholder crooks. Please allow me to motivate my statement. Let us go and have a look at the Zondo Commission report. Several whistleblowers gave the evidence and told Judge Zondo that they were suspended or fired because they did their work. Themba Maseko, Martha Masango and Arthur Williams did their best to serve South Africa, but the ANC did not like it. The past five (5) months the office of the Speaker was functioning.

Councillor M Davies did utmost best to follow the rules, but it is not in the ANC’s DNA to follow the rules, nor the Constitution of South Africa. Just look at the court case of Cadre deployment. They lost it for the second time and they were off to the Constitutional Court. The Poppy Act reads as follows; “The purpose of this Act is to give effect constitutional right to privacy by safe guarding personal information who processed by responsible parties.” The ANC cannot even protect their own information, maybe all those contact numbers and e-mail addresses must be posted to everybody that we can have a functional call centre.

Acting Speaker, let us turn our attention to the proposal of this motion from Cllr P Twala. The only Councillor of the African Transformation Movement (ATM) who only received 0.59% of the total vote after the 2021 Local Government elections. I want to raise a question. What have the ATM done since then for the residents of Mangaung? Let me answer. They have voted for the Budget of the ANC to increase tariffs that are unaffordable to residents. They will always vote with the ANC or abstain because they do not want to upset the ANC, who will always give them a lifeline in South African politics. Now everybody raised the question what do I mean with the lifeline. Let me tell you. The ATM was formed in 2019 by a faction of Jacob Zuma. The ATM brought a motion of no-confidence against the current Speaker.”

The Council Whip reprimanded Councillors to behave and be tolerant to other speakers.

Cllr E Snyman van Deventer delivered her speech to Council: “Thank you, Honourable Acting Speaker. As everybody today is accusing everybody else of misleading the house. Councillor P Twala is doing the same. The flaws in the motion the reasons why the motion could not serve before the Council today. He refers to things and give motivations with no reasons. For example, “the Speaker not tabling or allowing his motion to be tabled.” It was said please rectify your motion then it can serve. That was done and it sit today. There were things in that motion that could not be dealt with, because they were sub judicate however that was rectified, that is why the motion serves today. I am so happy to hear about a resolution register. Please provide us with the resolution register for the past five (5) years. If I am not mistaken this Speaker actually introduced this. It was not done in the past, and if it was done then it never served before Council and we never received anything like that. Cllr TM Mosala is also misleading the house.”

On a point of order, Cllr TM Mosala remarked: “It was presented before this Council on the 7th November 2022. She also indicated that she did speak about it on the 12th July 2023 and she also spoke about it in the present meeting. It is not true that Cllr Maryke Davies is the first person to put the Council Resolution register before this August house.

Cllr JC Pretorius on a point of order indicated that the Speaker need to take charge of the Council meeting because that was not a point of order but a different opinion and therefore the meeting will take on forever if she did not take charge of the meeting.

Cllr E Snyman van Deventer continued with her speech: “ There is also a reference to the appointment of Senior Managers. Why did you not appoint Senior Managers when there were ANC speakers? We must remember it was the internal fighting in the ANC that put this Council in this position in the first place after they forced the previous Speaker to resign. Who seconded the motion of the ATM? They have one councillor. I cannot see from the picture who was the councillor that signed the motion. The person who brings the motion signs it, but please write your name underneath and also the person who second it. From this motion I cannot see who signed it. I have tried to make out the name on the motion so if anybody can tell me who has signed on the motion. The name of the member is absent from the motion of the ATM. There is no name anywhere. As the ATM such a small party with only one member it is easy to deduct who the person is who brought this motion. Please check the Freedom Front Plus motion brought in the past and the ones we will bring in the future. If you need an example of how a motion should look. Please look at the motion we brought against Olly Mlamleli where we succeeded in removing her and also a few months ago a motion against the Chief Whip, I have used that as an example, maybe then will your motion be more readable and better to follow the arguments and signed etc. Also Madam Acting Speaker it seems as the ANC is not happy with any Speaker, even the ones that comes from the ANC. We support everything raised by Cllr JC Pretorius and the Freedom Front Plus (FF+) will also reject the motion. Thank you, Madam Speaker.”

Cllr ZJ Thwala delivered his speech to the Council: “Thank you Madam Speaker. Mine was just a clarity seeking question. Madam Speaker, when you said ATM, I thought you referred to auto tellers.

I am surprised to hear that Cllr ZJ Thwala is representing the ATM. A message to the voters out there is that Cllr ZJ Thwala never represented the interests of the voters, so should this municipality go for a rerun tomorrow, I am going to borrow him the trailer to pack his stuff and go to Qwaqwa, because he won't even make it back to this Council. We serve on the very same committee. According to the Structures Act we are supposed to sit at least six (6) times quarterly, but we only sat once and because of the court order, hence there was a meeting for that portfolio. As the Democratic Alliance (DA) we are saying that we don't support the motion. Thank you, Madam Speaker.”

Cllr ZJ Thwala was requested by the Acting Speaker to withdraw his comment, which he did.

Cllr DE Matsepe remarked: “Majority of Councillors in Mangaung Metro Municipality signed the petition, clearly stated in the Standing Rules and Orders. He also indicated that the Acting Speaker to allow him to deal with the legal opinion requested to the Acting Speaker and that is unnecessary to deal with it, because the documents consist with the legal opinion, which clearly states that the Speaker of the Council has not taken action on those Councillors that were from the bench and who walked out of Council of 12 July 2023 and therefore nothing has been done. Also subsequent to that the Speaker in terms of Standing Rules and Orders, Rule 15.1, that if a group of Councillors leaving a Council meeting in protest (which one of the Councillor talked about, maybe they were protesting), and the remainder of Councillors constitute a quorum, business of the meeting shall proceed.

6M

The Speaker adjourned the meeting, because the DA left and staged a walk out. As ANC we support the motion submitted by the ATM and we are unapologetic about it. Also when you look on Page 8.3 what the legal opinion indicated. Point 4, '*should the motion pass, Council must be afforded an opportunity today to elect the new Speaker*'. Thank you"

Cllr P Rampai delivered his speech to the Council: "Thank you, Acting Speaker. Madam Speaker, the ACDP considered the removal of Speaker through the proposed motion of no confidence to demolish, spiteful and full of hatred if that is the reason and how I found it. Insignificantly, a lack of incredibility, all above they are not fruitful. We do not agree that the Speaker failed to chair the proceeding on the meeting of the 25th of April 2023, and that the decision she took on the day were irrational. In our view the Speaker rose about the occasion despite the challenges which she was confronted with mainly from the complainants. Secondly we strongly disagree with the motion that the Speaker violated the Local Municipality Structure Act, by allegedly participating in the misconduct that took place on the 12th of July."

On a point of order, Cllr E Snyman van Deventer requested Cllr CL Kruger to withdraw her comment that people wearing overall are in tavern.

Cllr SP Tsoleli delivered her speech: "Ha o tsha o tshetshe! Madam Speaker. Allow me to start my debate going a little back to the Constitution of the Republic, especially the Constitution corrected a lot today in the discussions that ensued earlier here. At the heart of our Constitution of the Republic of South Africa, there are seven fundamental values. Those values are democracy, equality, reconciliation, diversity, responsibility, respect and freedom. In the premium ball of the Constitution, the constitution aims to lay the foundation for the democratic and open society in which Government is based on the will of the people, in which every citizen is equally protected by the law. Honourable Speaker it is common knowledge that on the 1st of November 2021, the will of the people gave the ANC the majority in Mangaung Council, and that will was supported by progressive partners in the Council. Those partners were the ATM and AIC.

That just reminded me of what our former ANC President, Mr Thabo Mbeki in his statement one time he said, "When you are tasked with a responsibility of fetching water in the river for our people, don't listen to the music of the frogs." Let me continue honourable speaker, by saying, what the DA learn that the Constitution is very clear that every party must contests elections in order to lead government. Opportunist tendency of riding on the back of unruly elements to assent to power to Mangaung are over. The glorious movement is back to claim itself rightful set in the Council of Mangaung. In the Council of Mangaung that was mandated by the voters of Mangaung, that Council led by the ANC, which the ANC won in November 2021. Cllr Rampai rest assure.

Thank you, Honourable Speaker, maybe with a jealous of time let me just remind the Councillors that the Council needs to be matured in this political house, its where political issues needs to be debated. Honourable Speaker allow me to say to Cllr Rampai to rest assured that the will of the people of Mangaung, we are not going to disappoint them. The voters of Mangaung will be restoring their hope and their hope is only the ANC and they have shown that in November 2021 through the ballot papers.

Honourable Speaker, Cllr Maryke Davies was elected by default and therefore the ANC will furthermore correct that default that those who defaulted (who already left), we will be correcting that today, by hook crook and rest assure, we are not only correcting that today. On the 29 November we will be further correcting in Ward 49 when we are taking back claiming back to the ANC, we are claiming back to the ANC. Now we are sitting back comfortably as the ANC and we are saying as the ANC. Let me support what as Cllr Logan has proposed that as today the voting as the ANC will be by the show of hands. With those words I am supporting the motion of the ATM and also in support of what the honourable Logan has said. Thank you.”

Cllr ME Dennis on a point of order requested the Speaker to get back to the motion, because that is why the Councillors were there for and that she must get the Council in order to get the work of the day done.

After comfort break, Cllr MA Davies responded and read the attached (Pages 1 – 7)(Annexures to the response will be made available only on request).

The Acting Speaker read the Standing Rules and order on petitions:

25. Petitions to be written, typed or printed

25.1. Petitions which must be clearly written, typed or printed, must be signed by not less than three citizens and must be attached to respectful language and presented to the office of the City Manager who shall, if he/she deems it necessary. Bring the matter before the mayoral committee. She also indicated according to the petitions there are 53 signatures who supported the petition.

29. Motions

29.1 No matter shall be brought before the council or a committee by any member of the council except upon a notice of motion, which shall be in writing and signed by the member giving the notice as well as the member seconding it: Provided that a person who has a personal electronic mail address from where he or she can be identified by the City Manager, can submit such motion by electronic mail/manual.

The Acting Speaker explained why she was reading 29.1 The Motion because the ATM signed their motion against the Speaker and she also read the recommendation of the motion.

Cllr TM Mosala moved for adoption and was seconded by Cllr SP Tsoleli for the recommendations as submitted.

Cllr BJ Viviers indicated: “As the recommendation are at this point and the acting Speaker need to assist. The second recommendation were saying, “should motion be past Council must be afforded the opportunity to elect a new speaker. If it is going to happen today it has to be a secret ballot should it pass.. Cllr LM Titi-Odili made the suggestion to finalise the motion of no-confidence, Therefore he requested the Acting Speaker to give clarity on if the motion passed, should the election on the newly elected speaker continue and if she have everything in place for a secret ballot, because in terms of Section 3 of the Structures Act she were supposed to do it.”

In responding to Cllr BJ Viviers, Acting Speaker responded: “The item as it is set to the motion of no confidence against the Speaker of Mangaung Metropolitan Municipality in contravention of the Republic of South Africa 1996, and the Local Government Structures Act 117 of 1998, as amended and the Standing Rules and Orders of the Council of Mangaung, but today we are only dealing with issue of motion.”

The Council Whip, Cllr VE Nikelo explained: “The Acting Speaker was dealing with the recommendations as recommended, and it referred to two things. As a results of that, it will depend from the house, whether the recommendations were approved as they are, or not. He also indicated that if the recommendations were approved as they are, then the new Speaker will have to be elected on same day.”

Cllr GJ Lipale indicated that the Speaker made a pronouncement that the new Speaker will be elected after seven (7) days, and to put that in the recommendations.

The Acting Speaker indicated that she made a proposal for the election of the new speaker after seven (7) days, but after advice from the Council Whip, the Council will follow the recommendations as submitted.

Cllr JC Pretorius requested a 10 minutes DA caucus.

Cllr JB Thomas seconded what Cllr GJ Lipale said. He further indicated that Cllr NR Shale was correct by saying there were people sitting with The Acting Speaker to advise her and also that there was no item submitted for the election of the Speaker, and that the only item was the motion of no confidence and therefore Council must only deal with the item as in the agenda.

Cllr LM Titi-Odili indicated that the Acting Speaker read the recommendation, and that she also gave the Councillors an opportunity to move for the adoption of the motion and that was also seconded.

After the DA caucus, Cllr JC Pretorius gave feedback and ask the Acting Speaker to give clarity on how the meeting was going to proceed.

The Acting Speaker, Cllr PM Mohibidu elaborated: “The Council is on the passing of the motion according to the Standing Rules and Orders 13.6 in the event of there been opposing to a recommendations the proposal to be decided upon will be done by means of voting, either by show of hands or secret ballot if requested and approved by the Speaker or Chairperson.”

On a point of order, Cllr JC Pretorius requested the Acting Speaker to indicate on the agenda the recommendations as there were none on the item.

The Acting Speaker, Cllr PM Mohibidu indicated that on the document that was received from the Office of the City Manager, the recommendations were stated there and had already been signed.

She also indicated that the ATM presented the motion, which was discussed and the Speaker has responded on the motion. That the motion was supported and seconded, there was a mover and a seconder regarding the motion, which included the recommendations and therefore there was a need to move to the next level.

The Council voted as follows on the motion of no confidence against the Speaker: 52 voted in favour, 37 voted against and 0 abstained.

The Acting Speaker declared that the motion of no confidence against the Speaker has been passed.

On a point of clarity, Cllr D Leech commented: “What has been passed is the recommendation which state it is recommended that this motion called no confidence for the removal of the Speaker, be tabled and allocated at a Special Council meeting and should the motion be passed Council must be afforded an opportunity to elect a new speaker. So what we now voted for the motion be tabled?”

She also indicated that it is in writing and that nowhere in the document it stipulates that the Speaker must be removed or approved and item where she must be removed. It is only stipulated in the motion and petition that it be tabled. *“Let us be honest this motion was poorly written. You did not listen to us, we tried to advice you. We asked you to re-read the recommendation and you ignored us, because we are from the opposition party. Now it is too late to amend it because it was already voted on. It states here that it be tabled and only if it is be passed you must be afforded the opportunity to elect the new speaker. It does not stipulate when the speaker must be removed, it only says that it must be tabled. The motion was voted in the recommendations on the motion of no confidence against the speaker.”*

On a point of order, Cllr SP Tsoleli indicated that the motion has been tabled and adopted. Now, the Council will move to the second recommendation, i.e. to elect the Speaker.

The Council Whip, Cllr VE Nikelo remarked: “The Acting Speaker is correct that the purpose of the motion was to remove Cllr M Davies as the Speaker and the item has been dealt with. Further, on recommendations, those in favour to be pass with recommendation as is. Cllr SP Tsoleli proposed the “now” and seconded by Cllr MJ Mabena.

He also mentioned that Council should ensure the Acting Speaker to direct the House. The howling and noises, render the current presiding officer useless as if she do not know what she is doing. Therefore afford the current presiding officer the opportunity and respect.

The Acting Speaker read the purpose of the motion to Council. The purpose of the motion is for Council to remove Cllr M Davies as the Speaker of Council through vote of no confidence. Legal basis for the motion has been passed and that the majority of councillors who are in this august house, and therefore in terms of the Structures Act, and the Standing Rules and Orders of the Council. The election of the new speaker in terms of the Rules and Orders, so we have voted to remove the speaker because we do not have a Speaker now...”

The **Council Whip, Cllr VE Nikelo continued:** “The Acting Speaker was correct and that he also read what has been written on the documents that the purpose of the motion is to remove Cllr M Davies as the Speaker of the Council through a vote of no confidence and that particular item has been dealt with. Further on the recommendation the Acting Speaker of the Council said, “Those in favour of the motion to be passed with the full recommendations, and of which the two recommendations are saying, “It is recommended (i) that this motion of no confidence be for the removal of the Speaker be tabled and allocated in a special meeting (ii) said should the motion be passed, the Council should be afforded an opportunity to elect the new speaker. Without necessary participating actively in this Council meeting, he can be objective when he deal with this house.

Cllr Bongzi Tsoleli when there were other issues that were raised by other councillors that were say yes, “We can understand that we all have an opportunity always to be afforded an opportunity to elect or to do whatever it is needed. Cllr SP Tsoleli indicated that, because Cllr JG Lipale said the opportunity will be afforded but there is no indication when and Cllr SP Tsoleli said that opportunity should be afforded now and the “now” part and the future part can it be considered. So for the fact that the matter be seconded by Cllr MJ Mabena, and it means, Madam Speaker, if the item was seconded in the Council meeting the house must be divided around that particular matter, to say whether the now part and the future part can it be considered.

So the Speaker have to make sure that she direct the house. He also indicated that the problem is howling and the noises that has been made ultimately they want to render the current presiding officer useless if she does not know what she is doing. He also want to implore the house as much as they support anybody who sat on that seat to afford the current presiding officer the opportunity and afford her the respect to guide this particular meeting. He also indicated earlier should anybody feel grief of the processes of the council then everyone will know what the recourse should be and let everyone follow the processes in terms of the pre - course in as far as this matter is concerned. There were a number of items that were put before this house before, where other parties felt grieved and they followed the processes that were applicable in the laws of the country in terms of making sure that there is a recourse in relation to those issues.

And even today and tomorrow there will still be no exception that those particular recourse matters will be dealt with. In the best interest in time and allowing the presiding officer to continue and concluding the meeting properly lets allow the presiding officer to do so. Thank you, Madam Speaker.”

Cllr MW Mongale indicated that he agreed with the Council Whip on one part, that Councillors should not howl one another.

On a point of order, Cllr LM Titi-Odili indicated that it has been already ruled and voted on the matter.

Cllr DMC McKay indicated: “By the Chief Whip own common sense what have been tabled should have been done, should not been divided, should had been voted on. Fortunately it has been voted on and once it has been voted on you cannot go back and change the recommendations. If recommendations were changed before hand and not amended, but were not changed before it was voted on, therefore we voted for the recommendations to be tabled. Thank you, Madam Speaker.”

Cllr BJ Viviers referred to Rule 13.12 of the Standing Rules and Orders.

The Acting Speaker then indicated that she will open the floor for the election of the Speaker to allow Councillors to nominate.

The DA walked out at 15h40.

Cllr MM Tladi nominated Cllr BL Mathae and was seconded by Cllr TM Mosala.

The Acting Speaker indicated that, by virtue that only one Councillors was nominated, who is Cllr BL Mathae, therefore she declared Cllr BL Mathae as the Speaker of the Mangaung Metropolitan Council.

Cllr MW Mongale indicated that Cllr BL Mathae never accepted the nomination as the Speaker when it was announced.

The Acting Speaker asked Cllr BL Mathae whether he accepts the nomination and Cllr BL Mathae stood up and said that he accepts the nomination.

FFPlus walked out 15h45.

AASD also walked out at 15h47.

The Acting Speaker allowed Cllr BL Mathae to ascend to the seat of the Speaker.

Cllr GJ Lipale indicated that it be recorded, that any litigations that could be brought forward against the Council, the EFF abstained from the voting in this Council.

The newly elected Speaker, Cllr BL Mathae delivered his speech to Council as follows: “Let me first acknowledged the Acting Executive Mayor, Cllr GM Nthatsi, our Council Whip, Cllr VE Nikelo, all members of the Mayoral Committee, all Councillors from different benches, various parties represented here. May I wish to take this opportunity to thanked Acting City Manager, Ms M Ntshudisane for presiding earlier on business of the day, which eventually led to the election of Councillor M Mohibidu as the Acting Speaker. Let me also thank our Council Secretariat for convening this Council meeting. I would like this opportunity to take this opportunity to thank all councillors for exercising their democratic right by casting their vote in favour of their preferred candidate for the position of Speaker.

I wish to take this opportunity to also thank all Councillors for entrusting me, those from the benches of the ANC, ATM and AIC to vote for me preside over this chamber Council speaker. By the way I am not new to this Council. I have a rare privilege to serve in this chamber as an ANC Councillor just in the first **Democratic Local Government Elections of 2000** in my next life. Together with the class of 2000 we had the necessary foresight to recognised that there will be many challenges ahead of us, but we equally possessed the nerve and the forth etude to meet and overcome any of those challenges. Sadly I've been called upon once again to make a re-entry into this chambers once again, after a leave of absence of period spending more than two(2) decades. I wish to thank the leadership of the ANC for entrusting me with the obligation to be the Speaker of this Council.

Blessed are those who endow to give to live life twice and lead this people to a short destiny, and still emerge victorious. Today Councillor has just run a call has been sounded, my name has been read in a roll call to serve our people once again in this Chambers. The over structure of the Chamber remains in tacked, seats are pretty much the same, the elongated table stays unchanged, but todays material condition present a completely different set of challenges and new task ahead of us all. The task to preserve the centre and wage a frontal wall to improve the living conditions close to a million households within our city lives on. Although some things did not fall apart the centre still refuse to step fast on its own. Together we own it to the communities of Mangaung to circumvent an eminent of the centre.

The questions that we must answer truthfully together both singularly and collectively is whether if this a difficult task beyond our reach. Can we reclaim the city on the move, the City of Roses. If this is not urgently attended to it will have far reaching ramification of unimaginable proportions because we are now at the last stage of the National intervention of Section 139 of the Constitution. Where there not failed the people of Mangaung. To be a member of this esteemed assembly of the municipality should be first and for most informed by desire and commitment to serve our people and a track record appreciated by communities, since half of this house are Councillors directly elected by their respective wards. We need a Council collective Councillors that will win generally acceptance by the communities not through defies of establish council traditions but by principled, firmed, humbled and considerate. Similarly we also need a Council collective which will strive for conventions between their personal interest, status and collective interest.

We need a council collective with qualities that do not sit to gain popularity by undermining those in position of responsibility. We similarly need a council collective which will seek to influence and be influenced by others in a collective. Such party representative should have the conviction to state their views orderly without undermining the collective. We will obviously not tolerate any conduct that seeks to undermine our constitutional values. There is an Auditor-General report amongst others attribute other audit opinions to political instability in most municipal councils. The collapsed of the Council value system in a total breakdown of discipline will not go unabated. The Rules Committee will from time to time be directed to add on this conduct which brough us on bringing this august house into disrepute.

Reasonably, Government release Section 29 of 2023 dealing with the implementation of Code of Conduct for Councillors. In the Constitutional Court of 2015, our Apex Court made the following remarks, and I quote, "Councillors are elected to undertake the work of the Council on behalf of the whole citizens. Sometimes the ties of politics will place one party in the majority and sometimes another, but it remains the duty of councillors to facilitate and obstruct the working of the Council. For Councillors to continue to draw their salaries, while refusing to attend meetings and seeking there by to stultify the working of the Council will be bridge of their obligation as Councillors. It is a bridge of the Code of Conduct that binds all councillors and obliged all Councillors to attend all Council meetings and all committees of which they are members.

In the North Gauteng High Court 2020, it was stated as follows, "Walking out of Council meetings does not serve the Councillors electorate and does not fulfil the constitutional and executive duties they were elected for. Staying in attendance due to the nature of the voting process always results in decisions been taken by the Council. The importance of serving in the Council is that party political affiliation and agendas as cute for the greater good of the community serve by those councils.

Every municipal councillor must comply with the constitutional injunction to municipalities to prioritize the basic needs of Local Municipalities and to provide the basic minimum services to all members of such a lucid municipality. The uncontested evidence in this case is that the over argue conjunction was lost to the councillors who instead prioritise their own party political agendas and brought the Council to its knees.

Walking out of Council meetings and disrupt such meetings in a concerted manner could never have been in the interests of Tshwane Local Municipality. That is what the North High Court of Gauteng has said. The in friends of the above citations clearly indicates that councillors that are in office and who refuse to attend meetings of the Council and committee meetings are indirect bridge of the Code of Conduct. Walk outs do not serve the interests of the communities and Councillors have a constitutional responsibility to ensure that services are prioritised. In the event Councillors, of the bridge of this Code of Conduct, this enjoins the Council to investigate such conduct in terms of Rule 15 and 16 of the Code of Conduct.

It allows that the Council/special committee should it found that the Councillor have bridge this provision of conduct the council may issue a formal warning to the Councillor. Secondly the Council may reprimand the Councillor. Thirdly, upon presenting a report to the MEC in the Province, such an attempt may request the MEC for Local Government in the Province to suspend the Councillor for a certain period. Fourthly find the Councillor concerned or even request the MEC to remove the Councillor from office. I am just making reference to this provision, because the MEC for Local Government may in such eventualities appoint a person or committee to investigate any alleged bridge provision of this code of conduct and to make recommendations as to appropriate assumptions in terms of the sub-item (ii) of the municipal council.

Colleagues I am just quoting this Code of Conduct in terms of the circular. It is unfortunate that the DA is not here and some councillors. We have to investigate the conduct of these Councillors. Gone are the days where workers are associated with a movement of association or right to do whatever. It is expressly stated that should a councillor/councillors walked out of a council meeting, that on its own representing misconduct.

I would really like to take this opportunity to thank you all. I might not be new in this Council, but I am new on this seat and I would appreciate the co-operation of Councillors in so far as the business of the Council is concerned. With those few words, I would like to take this opportunity to thank you all appreciating that we are matured enough to understand that our fiduciary responsibility is that off ensuring that we live up to injunction of those who elected us on this platform. I would like to take this opportunity to adjourned the meeting. The meeting is officially adjourned. Thank you very much.

It was thereupon

RESOLVED:

- (a) That the Mangaung Metro Municipal Council elected **Councillor Pulane Martha Mohibidu**, to serves as an acting Speaker, to preside over the motion of no confidence against the Speaker of Council as submitted by Cllr Pani Twala.

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- (b) That the motion of no confidence against the Speaker of Council, Cllr Maryke Davies was passed and Council resolved to elect the new Speaker.
- (c) That the Mangaung Metro Municipal Council, elected one Councillor, ***Councillor Bongani Lawrence Mathae***, to serve as the Speaker of the Council on a full time basis.

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CLOSING OF THE SPECIAL COUNCIL MEETING

The meeting officially closed at 15h59.

**SECRETARIAT UNIT
COMMITTEE SERVICES**