

- MINUTES -

OF THE MEETING OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE HELD VIA THE CITY'S VIRTUAL PLATFORM (SKYPE) ON TUESDAY, 27 JULY 2021 AT 10:00

PRESENT

COMMITTEE MEMBERS:

CAPE MUSLIM CONGRESS

Cllr Y Adams (Chairperson)

DEMOCRATIC ALLIANCE

Cllr K Southgate (Deputy Chairperson)

Cllr E Anstey

Cllr C Fry

Cllr J Mbolompo

Ald. S Moodley

Cllr A van Zyl

Cllr J Witbooi

AFRICAN NATIONAL CONGRESS

Cllr D Khatshwa

Cllr B Majingo

Cllr B Ngcani

ECONOMIC FREEDOM FIGHTERS

Cllr L Mazwi

FREEDOM FRONT PLUS

Cllr F Botha-Rossouw

OFFICIALS:

Z Hoosain	: Chief Audit Executive
L May	: Community Services & Health
G Kenhardt	: Corporate Services
T Mangena	: Corporate Services
K Nassiep	: Energy & Climate Change
D Valentine	: Director: Treasury (Finance)
N Gqiba	: Human Settlements

R Rughubar	: Human Settlements
L Valeta	: Human Settlements
V Botto	: Safety and Security
L Wentzel	: Safety and Security
E Naudé	: Spatial Planning & Environment
D Campbell	: Transport
A Arendse	: Urban Management
M Webster	: Water and Waste
R Cummings	: Water and Waste
L Ndaba	: Probity
K Motaung	: Probity
A Karriem	: Probity
A Moolman	: Internal Audit
C Maurer	: Forensic Services
P Fisher	: Forensic Services
B Lufundo	: Legal Services
I Nkomo	: Legal Services
K Nicol	: Office of the Speaker
A Vorster	: Office of the Speaker
G Postings	: Office of the City Manager
R Razack	: Executive Committee Services
G Josephs	: Executive Committee Services
E Fray	: Executive Committee Services

APOLOGIES

L Mbandazayo
B Gerber
K Jacoby
B Chinasamy
R Garman
R Razack

MPAC 01/07/21 OPENING

The Chairperson, Cllr Y Adams, welcomed everyone to the meeting.

In response to a question raised regarding the attendance of Executive Directors (EDs) at MPAC meetings, it was felt that EDs should attend the open session of MPAC meetings as instructed by the City Manager, but that EDs do not have to attend meetings of the In-Committee session of MPAC.

MPAC 02/07/21 APOLOGIES / LEAVE OF ABSENCE

RESOLVED that it be noted that apologies for not being able to attend the meeting were received from Messrs L Mbandazayo (City Manager), K Jacoby, B Chinasamy, Adv. B Gerber and Ms R Garman.

MPAC 03/07/21 DECLARATION OF INTEREST

It was noted that Ms G Postings declared her function in terms of completing the UIFW register and processing SCM deviations in the Office of the City Manager and that Mr A Vorster declared his role in SCM matters as a member of the Bid Adjudication Committee.

MPAC 04/07/21 CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING HELD ON 08 JUNE 2021

RESOLVED that the minutes of the Ordinary MPAC meeting held on 08 June 2021, be confirmed, subject to the minutes reflecting that Cllr L Mazwi was present.

ACTION: G JOSEPHS, E FRAY

MATTERS ARISING FROM THE MINUTES

None.

MPAC 05/07/21 MATTERS RECEIVING ATTENTION

- (1) **ALLEGED IRREGULARITIES IN THE AWARD OF TENDER 206S/2016/17 AND TENDER 207S/2016/17 (MPACIC 07/07/20) (FSD 066/18-19)**

RESOLVED that it be noted that this matter was considered by the Task Team on 20 July 2021 and the investigation was completed.

ACTION: G JOSEPHS, E FRAY

- (2) **INVESTIGATE EXPENDITURE INCURRED OUTSIDE THE SCOPE OF THE CONTRACT FOR SERVICES RENDERED BY H.E.B MAINTENANCE (PTY) LTD FOR THE DELIVERY OF POTABLE WATER TO INFORMAL SETTLEMENT COMMUNITIES TO MITIGATE THE SPREAD OF COVID-19 (MPACIC 10/09/20)**

The meeting was informed that this matter was considered by the Task Team and the investigation was completed on 25 June 2021, however, due to new information that was available regarding this matter, it was requested that the Task Team be reconvened.

RESOLVED that it be noted that the next meeting of the Task Team of Cllrs K Southgate, E Anstey, B Majingo, D Khatshwa, B Ngcani and F Botha-Rossouw would be held on 10 August 2021.

ACTION: G JOSEPHS, E FRAY

- (3) **IRREGULAR EXPENDITURE INCURRED FOR DEVELOPMENT OF FARM 238 PORTIONS 12 & 13, KUILS RIVER: UPGRADING OF A SECTION OF THE SEWER MAIN IN FIRST AVENUE, KUILS RIVER (MPACIC 13/01/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Ald S Moodley, Cllrs Fry, Khatshwa and Cllr Botha-Rossouw would be held on 30 July 2021.

ACTION: G JOSEPHS, E FRAY

- (4) **REPORTING OF CONTRACT IRREGULARITIES (AND THE ISSUING OF GOODS RECEIVED NOTE FOR PAYMENT BEFORE WORK WAS FINALISED) RELATING TO DADIS TRADING AND CONSULTANCY CC (MPACIC 05/02/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Ald. Moodley, Cllrs Anstey, Ngcani and Cllr Botha-Rossouw would be held on 20 August 2021.

ACTION: G JOSEPHS, E FRAY

- (5) **REPORTING OF IRREGULAR EXPENDITURE (EXPENDITURE WITHOUT A VALID AGREEMENT) FOR RFQ SD11900436 - POST-PAID GOOGLE MAPS OR EQUIVALENT API SERVICES (MPACIC 06/02/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Cllrs Anstey, Witbooi, Majingo, Mazwi and Cllr Botha-Rossouw would be held on 13 August 2021.

ACTION: G JOSEPHS, E FRAY

- (6) **SECTION 32 OF THE MFMA: IRREGULAR EXPENDITURE: 177Q/2015/16 TERM TENDER FOR THE REPAIR AND PLUMBING INSTALLATION OF WATER MANAGEMENT DEVICES AT DOMESTIC PROPERTIES OCCUPIED BY INDIGENT HOUSEHOLDS (MPACIC 08/02/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Ald. Moodley, Cllrs Southgate, Majingo, Khatshwa and Cllr Botha-Rossouw would be held on 30 July 2021.

ACTION: G JOSEPHS, E FRAY

- (7) **SECTION 32 OF THE MFMA: IRREGULAR EXPENDITURE: INVESTIGATE EXPENDITURE INCURRED ON AN EXPIRED TENDER FOR SERVICES RENDERED BY UWP CONSULTING (PTY) LTD FOR THE DESIGN OF THE CURED-IN-PLACE-PIPE RAHBILITATION OF SEWERS IN IMHOFF'S GIFT (MPACIC 09/02/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Cllrs Witbooi, Van Zyl, Khatshwa, Mazwi and Cllr Botha-Rossouw would be held on 13 August 2021.

ACTION: G JOSEPHS, E FRAY

- (8) **REPORTING OF IRREGULAR EXPENDITURE FOR DP5379_2019/20: PAYMENT OF SAP SOFTWARE LICENCES: ANNUAL MAINTENANCE FEES FOR 2021 (MPACIC 04/04/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Cllrs Witbooi, C Fry, F Botha-Rossouw, D Khatshwa and B Majingo would be held on 20 August 2021.

ACTION: G JOSEPHS, E FRAY

- (9) REPORTING OF THE IRREGULAR EXPENDITURE INCURRED VIA CONTRACT 102C/2015/2016: PROVISION OF TRAINING BY AN ACCREDITED SERVICE PROVIDER(S) OR A TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING (TVET): PROVIDE APPRENTICE PROGRAMMES FOR ENGINEERING AND CONSTRUCTION TRADES (MPACIC 07/04/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Ald. S Moodley, Cllrs K Anstey, B Majingo and L Mazwi would be held on 14 September 2021.

ACTION: G JOSEPHS, E FRAY

- (10) SECTION 32 OF THE MFMA: IRREGULAR EXPENDITURE: INVESTIGATE IRREGULAR EXPENDITURE INCURRED FOR SERVICES RENDERED BY TOP N NOS FOR GENERAL CLEANING AND GARDENING SERVICES WITHIN THE BOUNDARIES OF THE CITY OF CAPE TOWN (DEVIATION DP 6536S/2020/21) (MPACIC 11/04/21)**

RESOLVED that it be noted that the meeting of the Task Team of Cllrs J Witbooi, J Mbolompo, F Botha-Rossouw and B Ngcani would be held on 31 August 2021

ACTION: G JOSEPHS, E FRAY

- (11) SECTION 32 OF THE MFMA: IRREGULAR EXPENDITURE: INVESTIGATE IRREGULAR EXPENDITURE INCURRED FOR PROFESSIONAL SERVICES RENDERED BY DAVENG CONSULTING ENGINEERS CC FOR DESIGN AND CONSTRUCTION SUPERVISION OF A SEWER LINK FOR PROPERTIES IN DIGTEBIJ ROAD, KUILS RIVER (MPACIC 12/04/21)**

RESOLVED that it be noted that the meeting of the Task Team of Cllrs E Anstey, C Fry, F Botha-Rossouw and B Ngcani would be held on 17 September 2021.

ACTION: G JOSEPHS, E FRAY

- (12) UNAUTHORISED, IRREGULAR AND FRUITLESS & WASTEFUL (UIFW) REPORTING IRREGULAR EXPENDITURE ON PROCUREMENT OF WEEKLY FLOWER ARRANGEMENTS (MPACIC 14/05/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Ald. S Moodley, Cllrs A van Zyl, F Botha-Rossouw, B Ngcani and D Khatshwa would be held on 17 September 2021.

ACTION: G JOSEPHS, E FRAY

- (13) INVESTIGATION INTO FRUITLESS AND WASTEFUL EXPENDITURE IN RESPECT OF ALLEGED UNFAIR SUSPENSION: SAMWU ON BEHALF OF FIRE AND RESCUE SERVICES STAFF MEMBER (MPACIC 15/05/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Cllrs K Southgate, A van Zyl, F Botha-Rossouw, D Khatshwa and B Majingo would be held on 10 August 2021.

ACTION: G JOSEPHS, E FRAY

- (14) THE PAYMENT OF INTEREST IN RESPECT OF AN ADJUDICATOR'S DECISION - CONTRACT 134Q/2016/17 RECONSTRUCTION OF CONCRETE ROADS IN HANOVER PARK AREA 2 (MPACIC 16/05/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Ald S Moodley, Cllrs E Anstey, F Botha-Rossouw, D Khatshwa and B Majingo would be held on 17 August 2021.

ACTION: G JOSEPHS, E FRAY.

- (15) SCM RESOLUTION CM04/12/19: REQUEST, FOR DEVIATION AND/OR CONDONATION: PROVISION OF PROFESSIONAL SERVICES FOR THE RECONSTRUCTION OF CONCRETE ROADS IN MANENBERG, HANOVER PARK AND HEIDEVELD (MPACIC 17/05/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Cllrs J Witbooi, J Mbolompo, D Khatshwa, B Majingo and L Mazwi would be held on 17 August 2021.

ACTION: G JOSEPHS, E FRAY

- (16) IRREGULAR EXPENDITURE IN RESPECT OF DP6547Y/2020/21 - BANKING SERVICES AGREEMENT FOR CONTACTLESS LOW VALUE PAYMENTS IN PUBLIC TRANSPORT (MPACIC 18/05/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Cllrs E Anstey, C Fry, F Botha-Rossouw, B Ngcani and B Majingo would be held on 20 August 2021.

ACTION: G JOSEPHS, E FRAY

- (17) IRREGULAR EXPENDITURE RELATING TO SUPPLY AND INSTALLATION OF SAND FILTER WATER LEVEL SENSORS AT BLACKHEATH WATER TREATMENT PLANT (MPACIC 19/05/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Cllrs K Southgate, J Mbolompo, F Botha-Rossouw, D Khatshwa and B Majingo would be held on 24 August 2021.

ACTION: G JOSEPHS, E FRAY

- (18) IRREGULAR EXPENDITURE INCURRED, RELATING TO CLEANSING SERVICES RENDERED UTILISING CONTRACT NO. DP5575 - DEVIATION FOR PROVISION OF AREA CLEANING SERVICES IN FORMAL DISADVANTAGED SANDY AREAS (MPACIC 20/05/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Cllrs J Witbooi, C Fry, F Botha-Rossouw, B Ngcani and B Majingo would be held on 27 August 2021.

ACTION: G JOSEPHS, E FRAY

- (19) UNAUTHORISED AND IRREGULAR EXPENDITURE INCURRED AS A RESULT OF THE APPOINTMENT OF CONTRACTORS TO PROVIDE VARIOUS REFUSE COMPACTORS WITH HIGH LEVEL BINLIFTING ATTACHMENTS TO THE CITY OF CAPE TOWN'S WASTE MANAGEMENT COLLECTIONS BRANCH WHILST DEPARTMENTAL VEHICLES ARE IN FOR REPAIR AND MAINTENANCE AT VARIOUS SERVICE PROVIDERS (MPACIC 21/05/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Ald S Moodley, Cllrs A van Zyl, F Botha-Rossouw, B Ngcani and B Majingo would be held on 27 August 2021.

ACTION: G JOSEPHS, E FRAY

- (20) **INVESTIGATION IN TERMS OF SECTION 32(2) OF THE MFMA: CONTRACT NUMBER 85Q/2017/18: RESTORATION OF HISTORIC WOODEN BRIDGE, MILNERTON (MPACIC 13/06/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Cllrs E Anstey, A van Zyl, B Majingo, D Khatshwa and F Botha-Rossouw would be held on 7 September 2021.

ACTION: G JOSEPHS, E FRAY

- (21) **IRREGULAR EXPENDITURE - TENDER 30C/2018/19: PROVISION OF PROFESSIONAL CONSULTANT SERVICES FOR CONSTRUCTION PROJECTS FOR THE CITY OF CAPE TOWN (MPACIC 14/06/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Cllrs Southgate, Mbolompo, Khatshwa, Mazwi and Botha-Rossouw would be held on 10 September 2021.

ACTION: G JOSEPHS, E FRAY

- (22) **IRREGULAR EXPENDITURE (EXPENDITURE WITHOUT A VALID CONTRACT) RELATING TO THE PROCUREMENT OF THE SMALLWORLD SOFTWARE LICENSE AND PROFESSIONAL SERVICE (MPACIC 15/06/21)**

RESOLVED that it be noted that the next meeting of the Task Team of Ald. Moodley, Cllrs Witbooi, Majingo and Botha-Rossouw would be held on 21 September 2021.

ACTION: G JOSEPHS, E FRAY

- (23) **FRUITLESS AND WASTEFUL EXPENDITURE: INTEREST PAID - SECURE ELECTRONICS, TENDER NUMBER 377S/2006/07 (MPACIC 08/02/20)**

RESOLVED that it be noted that the next meeting of the Task Team of Cllr Anstey, Southgate, Khatshwa, Ngcani and Botha-Rossouw would be held on 3 August 2021.

ACTION: G JOSEPHS, E FRAY

(24) TASK TEAM 1 - TRANSPORT DIRECTORATE: IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE 2019/20 (MPACIC 22/05/21)

RESOLVED that it be noted that meetings of the Task Team of Ald. Moodley, Cllrs Witbooi, B Majingo and F Botha-Rossouw would be held on 30 July 2021, 7 September 2021 and 21 September 2021, respectively.

ACTION: G JOSEPHS, E FRAY

(25) TASK TEAM 2 - WATER & WASTE DIRECTORATE: IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE 2019/20 (MPACIC 22/05/21)

RESOLVED that it be noted that meetings of the Task Team of Cllrs Southgate, Fry, Ngcani, Mazwi and F Botha-Rossouw would be held on 3 August 2021, 10 September 2021 and 28 September 2021, respectively.

ACTION: G JOSEPHS, E FRAY

(26) TASK TEAM 3 - FINANCE DIRECTORATE: IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE 2019/20 (MPACIC 22/05/21)

RESOLVED that it be noted that meetings of the Task Team of Cllrs Van Zyl, Witbooi, Khatshwa and F Botha-Rossouw would be held on 13 August 2021 and 14 September 2021, respectively.

ACTION: G JOSEPHS, E FRAY

(27) TASK TEAM 4 - MULTI-DIRECTORATE (HUMAN SETTLEMENTS; ECONOMIC OPPORTUNITIES & ASSET MANAGEMENT, CORPORATE SERVICES AND SAFETY & SECURITY): IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE 2019/20 (MPACIC 22/05/21)

RESOLVED that it be noted that meetings of the Task Team of Cllrs Anstey, Mbolompo, Khatshwa, Mazwi and F Botha-Rossouw would be held on 3 August 2021, 17 August 2021 and 10 September 2021, respectively.

ACTION: G JOSEPHS, E FRAY

(28) QUESTIONS EMANATING FROM THE 2019/20 ANNUAL REPORT

(1) CAPE TOWN STADIUM'S ANNUAL REPORT

RESOLVED that:

- (a) it be NOTED that the Director: Cape Town Stadium confirmed that a meeting with Cllr Anstey was held on 14 June 2021
- (b) the item be removed from Matters Receiving Attention list.

ACTION: G JOSEPHS; E FRAY

(29) REGISTER OF UNAUTHORISED, IRREGULAR OR FRUITLESS AND WASTEFUL EXPENDITURE

RESOLVED that it be noted that a report in respect of this matter was included on the In-Committee Agenda of this meeting (MPACIC 10/07/21).

ACTION: G POSTINGS, G JOSEPHS, E FRAY

(30) SCHEDULE OF MONIES RECOVERED (MPACIC 21/07/19)

Legal Services to submit a schedule every 6 months of all cases where money had to be recovered indicating the amounts already collected and the amounts outstanding.

RESOLVED that it be noted that a report in respect of this matter was included on the In-Committee Agenda of this meeting (MPACIC 09/07/21).

ACTION: G JOSEPHS, E FRAY, D VALENTINE

The schedule of completed investigations was NOTED.

REPORT FOR CONSIDERATION

MPAC 06/07/21 REVIEW - TERMS OF REFERENCE FOR THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

Mr A Vorster explained that the Municipal Structures Amendment Bill proposed amendments to Section 79 of the Structures Act and that the Chairperson of the Rules & Ethics Committee proposed that the Chairperson of the Municipal Public Accounts Committee (MPAC) and at least two other senior members of the Committee be invited to the next Rules & Ethics Committee meeting to present the MPAC Terms of Reference. It was also proposed that the MPAC representatives clarify MPAC's exact mandate and how it is executed within the guidelines of the Terms of Reference. The members of the Rules & Ethics Committee were of the view that the Terms of Reference for MPAC should be reviewed.

Members of the Committee said that they have noticed a comment in the extract of the minutes of the Rules & Ethics Committee meeting, that its Chairperson proposed that the Chairperson of MPAC and two senior members be invited to the net meeting "as a result of constant remarks raised at Council meetings in respect of (MPAC). The members of the Rules & Ethics Committee agreed to review the Terms of Reference for MPAC as part of their annual work plan.

The meeting was informed that the Municipal Structures Amendment Bill was promulgated and is now an Act of Parliament.

RESOLVED that Cllr Y Adams (Chairperson), Cllr K Southgate, Cllr B Ngcani and Mr Arno Vorster, be nominated to attend the Rules & Ethics Committee meeting on 12 August 2021 for the discussion of the possible review of the Municipal Public Accounts Committee (MPAC) Terms of Reference.

ACTION: M LEVENDAL, E FRAY, G JOSEPHS

THE MEETING ENDED AT 10:23 FOLLOWED BY THE CONFIDENTIAL MEETING

CHAIRPERSON: CLLR Y ADAMS

DATE