

- MINUTES -

**OF THE ORDINARY MEETING OF THE MUNICIPAL PUBLIC ACCOUNTS
COMMITTEE HELD (HYBRID) IN MEETING ROOM A ON TUESDAY, 10 OCTOBER
2023 AT 10:00**

PRESENT

COMMITTEE MEMBERS

CAPE MUSLIM CONGRESS (CMC)

Cllr Y Adams (Chairperson)

DEMOCRATIC ALLIANCE (DA)

Cllr A Van Zyl (deputy Chairperson)

Ald J van der Merwe

Ald B Watkyns

Cllr S Booyesen

Cllr A Moses

Cllr K Southgate

AFRICAN NATIONAL CONGRESS (ANC)

Cllr L Phakade

Cllr B Majingo

ECONOMIC FREEDOM FIGHTERS (EFF)

Cllr L Ntshuntshe

GOOD

Cllr S Little

FREEDOM FRONT PLUS (VF+)

Cllr E Botha-Rossouw

ABSENT WITH APOLOGY

Cllr J Witbooi

VISITING COUNCILLORS

Ald. F Purchase (via Skype)

**MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) 10 OCTOBER 2023
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OFFICIALS

R Gelderbloem : ED: Economic Growth (via Skype)
N Gqiba : ED: Human Settlements (via Skype)
E Sass : ED: Corporate Services (via Skype)
S Titus : Corporate Services (via Skype)
D Valentine : Finance
C Perrang : Finance (via Skype)
F Singh : Water and Sanitation (via Skype)
K Nicol : Corporate Services (via Skype)
N Damane : Urban Waste Management (via Skype)
T Mabasa : Urban Waste Management (via Skype)
L Meyer : Urban Waste Management (via Skype)
C Hendricks : Forensic Services (via Skype)
E Dick : Future Planning & Resilience (via Skype)
A Maxwell : Spatial Planning & Environment (via Skype)
A Van De Wall : Recreation and Sport (via Skype)
A Visser : Safety and Security (via Skype)
A de Ujfalussy : Urban Mobility (via Skype)
Z Hoosain : Internal Audit (via Skype)
A Moolman : Internal Audit
F Arendse : Internal Audit
K Larney : Legal Services
B Lufundo : Legal Services
G Postings : Office of the City Manager
A Vorster : Office of the Speaker
E Fray : Executive Committee Services
J van Zyl : Executive Committee Services

APOLOGIES

L Mbandazayo
V Botto
D Campbell
E Hugo
K Jacoby
Z Mandlana
R McGaggin
L Mdunyelwa
G Morgan
K Nassiep

MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) 10 OCTOBER 2023
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MPAC 01/10/23 OPENING

The Chairperson, Cllr Y Adams, welcomed everyone to the meeting where after a moment of silence was observed.

MPAC 02/10/23 APOLOGIES / LEAVE OF ABSENCE

RESOLVED that it be noted that official leave from the Office of the Chief Whip was granted to Cllr J Witbooi. Apologies for not being able to attend the meeting was received from Dr L Mdunyelwa and Mses D Campbell, Z Mandlana and Messrs L Mbandazayo, V Botto, E Hugo, K Jacoby, R McGaffin, G Morgan, K Nassiep.

ACTION: E FRAY, J VAN ZYL

MPAC 03/10/23 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 Chairperson of the Bid Adjudication Committee.

MPAC 04/10/23 CONFIRMATION OF THE MINUTES OF THE MPAC MEETING HELD ON 12 SEPTEMBER 2023

RESOLVED that the minutes of the MPAC meeting held 12 September 2023, be confirmed.

ACTION: E FRAY; J VAN ZYL

MATTERS ARISING FROM THE MINUTES

None.

MPAC 05/10/23 MATTERS RECEIVING ATTENTION

- (1) **IRREGULAR EXPENDITURE: CONTRACT 241Q/2015/16: CIVIL AND BUILDING WORKS FOR A NEW STERCUS BUILDING AND OTHER WORKS AT BORCHERDS QUARRY WASTEWATER TREATMENT WORKS (MPACIC 09/02/23)**

It was proposed that the follow-up Task Team meeting be scheduled for 31 October 2023.

The proposal was duly supported.

RESOLVED that a follow-up Task Team meeting of Ald J van der Merwe, B Watkyns and Cllrs B Majingo, S Little be held on 31 October 2023.

ACTION: J VAN ZYL, E FRAY

(2) **REPORTING OF THE IRREGULAR EXPENDITURE INCURRED, VIA CONTRACT 89S/2020/2021 – PROVISION OF MOBILE DATA (MPACIC 07/07/23)**

It was proposed that the Task Team meeting be scheduled for 31 October 2023.

The proposal was duly supported.

RESOLVED that a follow-up Task Team meeting of Cllrs A Moses, S Booyesen, L Ntshuntshe, S Little and F Botha-Rossouw be held on 31 October 2023.

ACTION: J VAN ZYL, E FRAY

(3) **REFERRAL OF UNAUTHORISED AND IRREGULAR EXPENDITURE TO THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: PROVISION OF PROFESSIONAL SERVICES - CONSTRUCTION MONITORING FOR VARIOUS WASTE MANAGEMENT FACILITIES IN THE CITY (MPACIC 07/06/23)**

It was proposed that the Task Team meeting be scheduled for 31 October 2023.

The proposal was duly supported.

RESOLVED that the follow-up Task Team meeting of Cllrs A van Zyl, A Moses, B Majingo, L Ntshuntshe and F Botha-Rossouw be held on 31 October 2023.

ACTION: J VAN ZYL, E FRAY

- (4) **IRREGULAR EXPENDITURE: CONTRACT NO. 222G/2020/21: SUPPLY AND DELIVERY OF PLASTIC REFUSE BAGS TO THE CLEANSING BRANCH (MPACIC 04/08/23)**

It was noted that the Task Team meeting was finalised on 19 September 2023.

ACTION: J VAN ZYL, E FRAY

- (5) **FORENSIC INVESTIGATION INTO ALLEGATIONS THAT VEHICLES HIRED BY THE CITY WERE PARKED AT THE ROYAL ASCOT OFFICE AND NOT USED FOR THREE WEEKS (MPACIC 07/08/23) (FSD 243/18-19)**

It was proposed that the follow-up Task Team meeting be scheduled for 7 November 2023.

The proposal was duly supported.

RESOLVED that the follow-up Task Team meeting of Cllrs A van Zyl, K Southgate, L Phakade, S Little, and F Botha-Rossouw be held on 7 November 2023.

ACTION: J VAN ZYL, E FRAY

- (6) **PAYMENT DISPUTE REGARDING THE SUPPLY AND DELIVERY OF FOOD PACKS AND FAMILY GAMES TO FAMILIES PARTICIPATING IN THE STRENGTHENING FAMILY PROGRAMME IMPLEMENTED BY SOCIAL DEVELOPMENT AND EARLY CHILDHOOD DEVELOPMENT DEPARTMENT IN THE AREA NORTH, DURING THE 2022/23 FINANCIAL YEAR (MPACIC 11/08/23)**

It was proposed that the follow-up Task Team meeting be scheduled for 7 November 2023.

The proposal was duly supported.

RESOLVED that the Task Team meeting of Ald J van der Merwe, Ald B Watkyns, and Cllrs B Majingo, S Little, and F Botha-Rossouw be held on 7 October 2023.

ACTION: J VAN ZYL, E FRAY

- (7) **REPORTING OF ALLEGED IRREGULAR EXPENDITURE IN THE PROCUREMENT OF TWO TRAINING COURSES DURING JULY – AUGUST 2018 WITHIN THE SAFETY AND SECURITY DIRECTORATE – FIRE SERVICE TRAINING ACADEMY (MPACIC 05/09/23)**

It was proposed that the Task Team meeting be scheduled for 17 October 2023.

The proposal was duly supported.

RESOLVED that the Task Team meeting of Cllrs J Moses, A Witbooi L Ntshuntshe, S Little, and F Botha-Rossouw be held on 17 October 2023.

ACTION: J VAN ZYL, E FRAY

- (8) **IRREGULAR EXPENDITURE: INSTALLATION OF INSTRUMENTATION AT THE FAURE WATER TREATMENT PLANT – PURCHASE ORDER 4503885316 FSD 245/20-21 (MPACIC 06/09/23)**

It was proposed that the Task Team meeting be scheduled for 24 October 2023.

The proposal was duly supported.

RESOLVED that the Task Team meeting of Ald. J Van der Merwe and Cllrs S Booysen, B Majingo, S Little, and F Botha-Rossouw be held on 24 October 2023.

ACTION: J VAN ZYL, E FRAY

PART 2: MATTERS EMANATING FROM THE 2020/21 ANNUAL REPORT:

- (9) **2020/21 AGSA FINDINGS: COMAF 52 (NON-COMPLIANCE WITH SECTION 78 OF THE MFMA AND THE REGULATIONS, 164Q/2017/18 CONSTRUCTION OF CIVIL ENGINEERING (PTY) LTD - EXTENSIONS OF TIME CLAIMS APPROVED, ADDITIONAL WORK PERFORMED OUTSIDE OF SCOPE OF ORIGINAL TENDER) DEEPFREEZE (MPACIC 05/05/22)**

It was proposed that the follow-up Task Team meeting be scheduled for 14 November 2023.

RESOLVED that it be noted that the follow-up Task Team meeting of Cllr K Southgate, Cllrs A van Zyl, L Phakade, S Little and F Botha-Rossouw be scheduled for 14 November 2023.

ACTION: J VAN ZYL, E FRAY

PART 3: MATTERS EMANATING FROM THE 2021-22 ANNUAL REPORT:

- (10) **FURTHER QUESTIONS REGARDING RESPONSES RECEIVED IN RESPECT OF THE CITY'S 2021/22 INTEGRATED ANNUAL REPORT AND FURTHER RESPONSES RECEIVED FROM VARIOUS DIRECTORATES: QUESTIONS BY ALD. J VAN DER MERWE**

The matter was dealt with under Item MPAC 07/10/23.

ACTION: J VAN ZYL, E FRAY

PART 4: GENERAL ITEMS:

- (11) **REGISTER OF UNAUTHORISED, IRREGULAR OR FRUITLESS AND WASTEFUL EXPENDITURE**

RESOLVED that it be noted that the next report was due in January 2024.

ACTION: G POSTINGS, J VAN ZYL, E FRAY

- (12) **CLARITY on the under-recovery and the reason why the time had prescribed FRUITLESS AND WASTEFUL EXPENDITURE RECOVERY REGISTER (MPACIC 06/07/23)**

Legal Services informed MPAC that the report had to be amended after additional information on the matter had been received. It was noted that the report on the matter would be submitted to MPAC at its meeting scheduled for 7 November 2023.

RESOLVED that a report on the CLARITY on the under-recovery and the reason why the time had prescribed FRUITLESS AND WASTEFUL EXPENDITURE RECOVERY REGISTER (MPACIC 06/07/23) would be submitted to MPAC

at its next meeting scheduled for 7 November 2023.

ACTION: J VAN ZYL, E FRAY, C COLERIDGE, B LUFUNDO

- (13) COUNCILLOR MEMBERSHIP AND ATTENDANCE – ANNUAL REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE YEAR ENDED 30 JUNE 2023 (MPAC 06/09/23)**

The matter was dealt with under Item MPAC 06/10/23.

ACTION: G POSTINGS, J VAN ZYL, E FRAY

PART 5: INVESTIGATIONS COMPLETED AND REPORTS TO BE SUBMITTED TO MPAC:

(13 - 29) COMPLETED INVESTIGATIONS BY MPAC

The schedule of completed investigations was **NOTED**.

RESOLVED that the progress with regard to the items on the MPAC Matters Receiving Attention List as at 2 October 2023, be noted.

ACTION: A VORSTER; Z HOOSAIN, A MOOLMAN

MPAC 06/10/23

ANNUAL REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE YEAR ENDED 30 JUNE 2023

It was requested that page 33 to the report on the agenda be replaced to distinguish and reflect the complete breakdown between irregular expenditure and fruitless and wasteful expenditure and to equate into the sum total.

It is **RECOMMENDED** that:

- (a) page 33 to the report on the agenda be replaced to distinguish and reflect the complete breakdown between irregular expenditure and fruitless and wasteful expenditure and to equate into the sum total.
- (b) Council **APPROVES** the Annual Report for inclusion in the City's Integrated Annual Report.

ACTION: J VAN ZYL, E FRAY

MPAC 07/10/23 FOLLOW-UP REPORT ON THE OVERSIGHT PROCESS IN RESPECT OF THE CITY'S 2020/21 INTEGRATED ANNUAL REPORT: SPORTS ASSET MANAGEMENT POLICY

It is **RECOMMENDED** that Council refer the matter relating to the oversight and monitoring of the Sports Asset Policy to the Community Services and Health Portfolio Committee to address MPAC's concerns noted in Annexure A to the report on the agenda.

ACTION: A MOOLMAN, J VAN ZYL, E FRAY

MPAC 08/10/23 REPORT TO COMMUNICATE THE OUTCOME OF THE PERFORMANCE ASSESSMENT CONDUCTED FOR THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE 2022/23 FINANCIAL YEAR

Ms G Postings spoke to the report on the agenda.

It was requested that:

- (a) a Legal Advisor attend MPAC training sessions to answer questions of clarity as there were often different legal interpretations to legal aspects.
- (b) MPAC members participate in the performance assessment to ensure an accurate reflection of the entire committee.
- (c) Task Team consider its requirements/ needs in terms of site visits, face-to-face meetings.
- (d) the MPAC Terms of Reference be updated to include the CDIT process.
- (e) media statements, via the Speaker's Office, be made to the public on financial oversight and the MPAC role and functions
- (f) additional training be provided for
 - Overview in terms of the Municipal Competencies.
 - Supply Chain Management processes.
- (g) APAC chairperson to attend MPAC (virtually) to address questions of the APAC report during the oversight process.

RESOLVED that the results of the Self- and Stakeholders' Assessment for the year ended 30 June 2023, be **NOTED**.

**MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) 10 OCTOBER 2023
MINUTES**

It is **RECOMMENDED** that Council **NOTES** the results of the Self- and Stakeholders' Assessment for the year ended 30 June 2023.

ACTION: A MOOLMAN, J VAN ZYL, E FRAY

THE MEETING ENDED AT 10:30 FOLLOWED BY THE CONFIDENTIAL MEETING.

CHAIRPERSON: CLLR Y ADAMS

DATE