

U.S. TYRE REPAIR
8198 0913
WE CHARGE BATTERIES
www.us tyre repair.co.uk


DO NOT PARK IN FRONT OF BAY

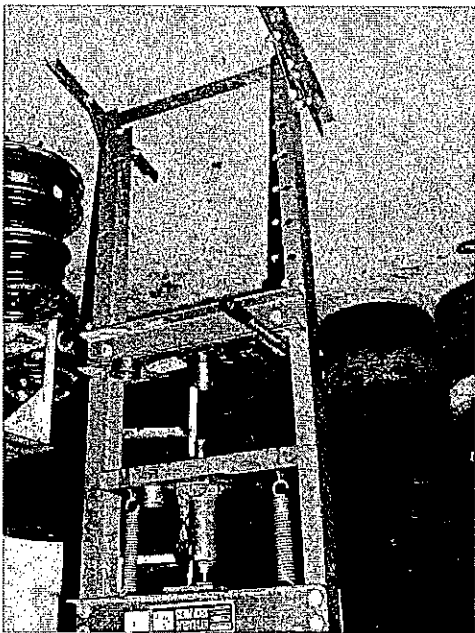
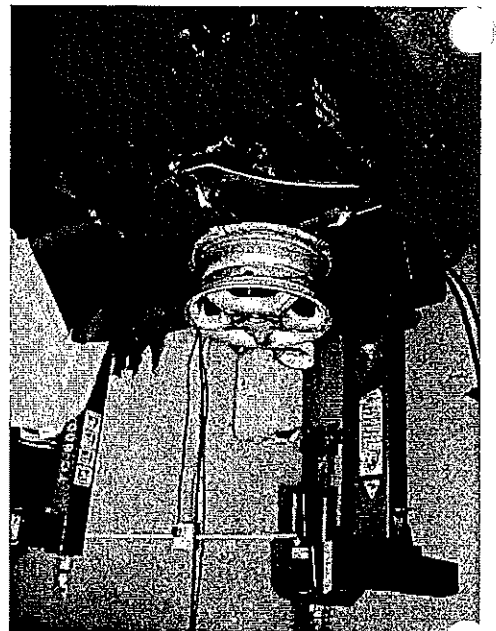
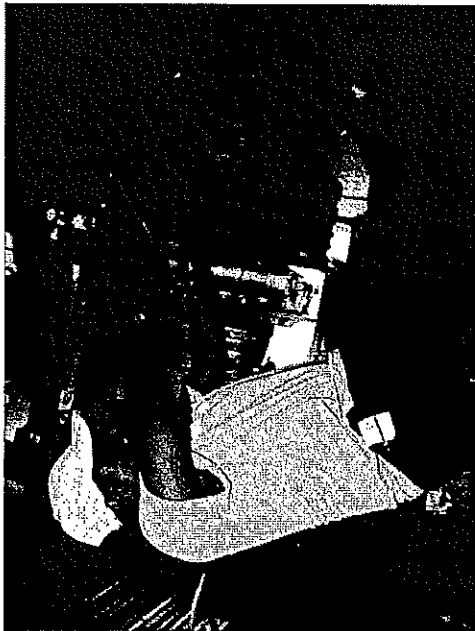
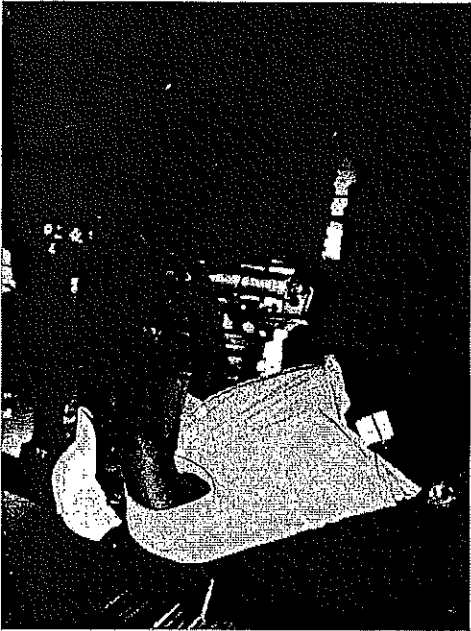


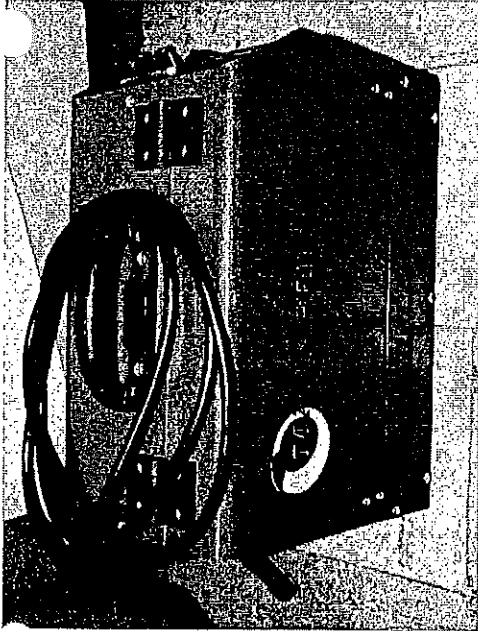
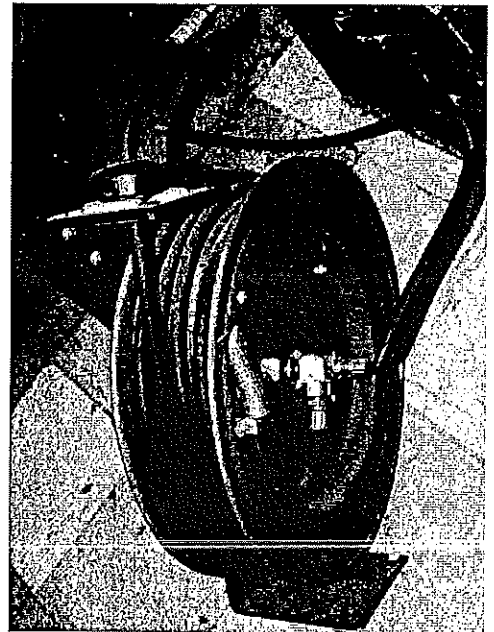
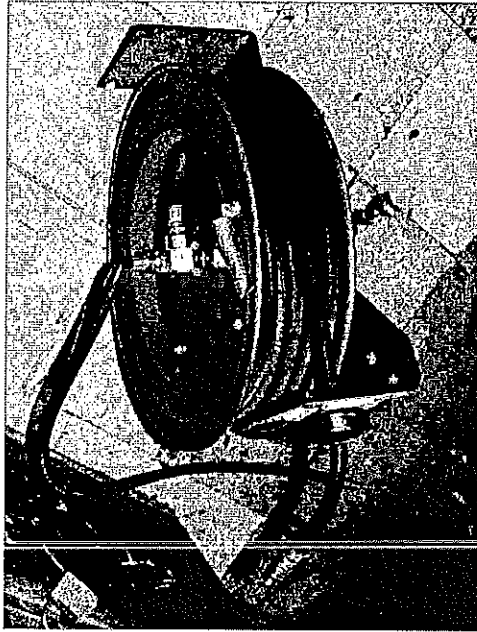
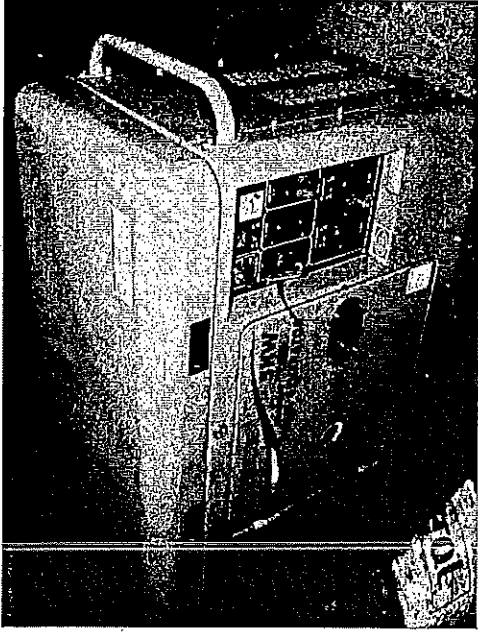
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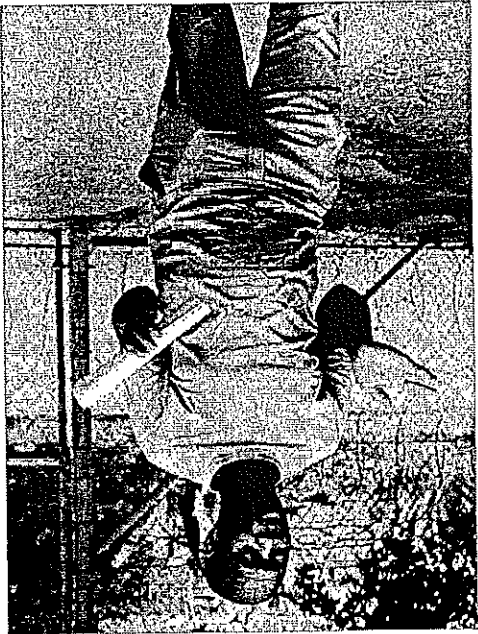
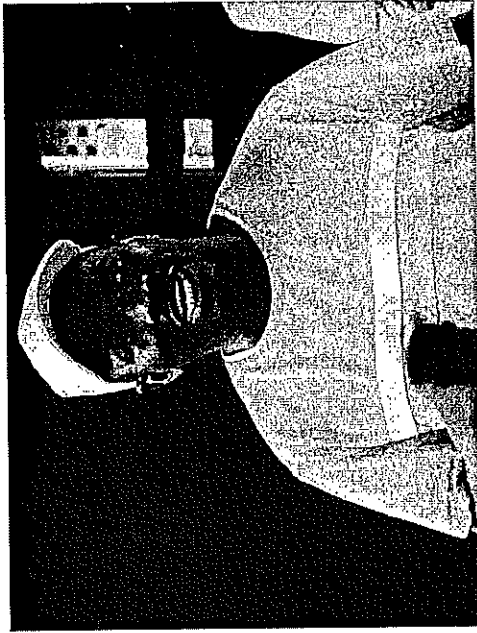
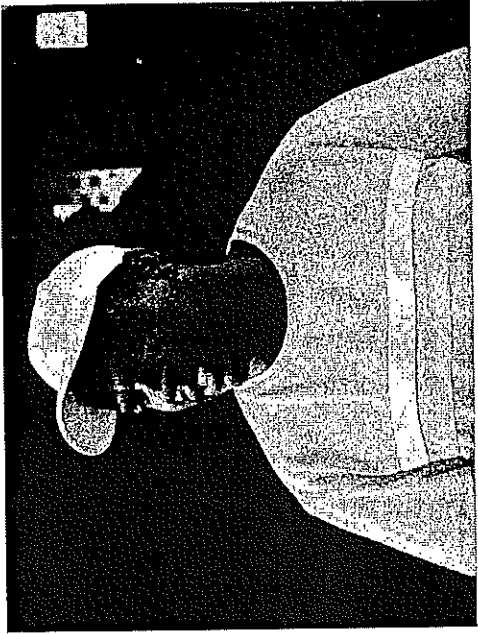
PLEASE NOTE: We are a mobile service and we do not have a fixed location.

OPERATING HOURS:
MON - FRI: 07:30 - 19:00
SAT: 07:30 - 16:00
SUN: 09:00 - 13:00

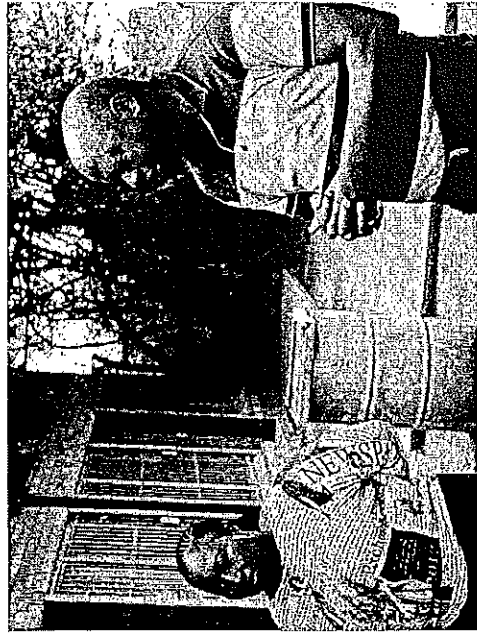


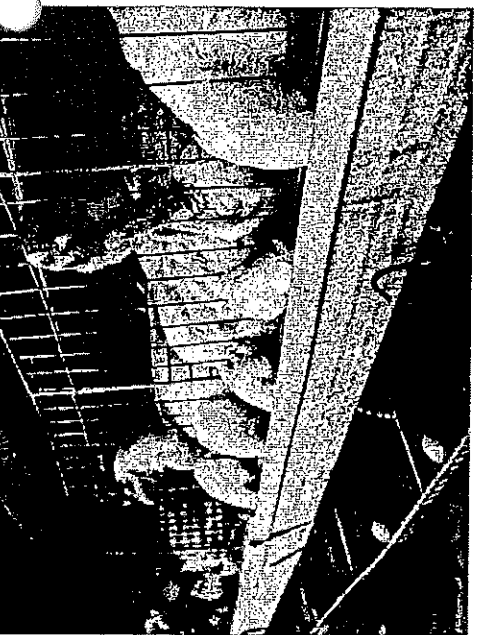
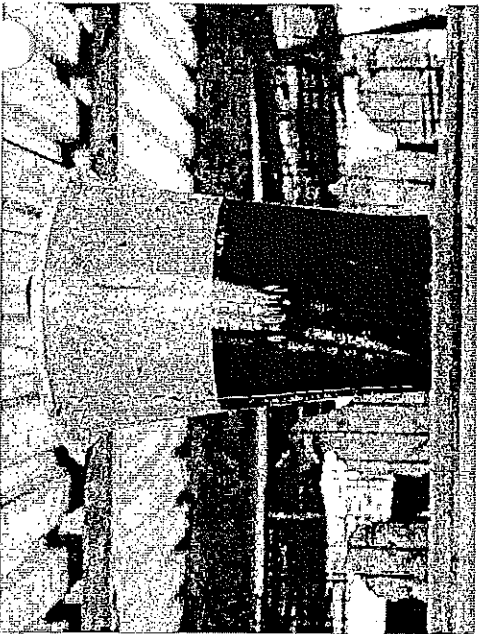


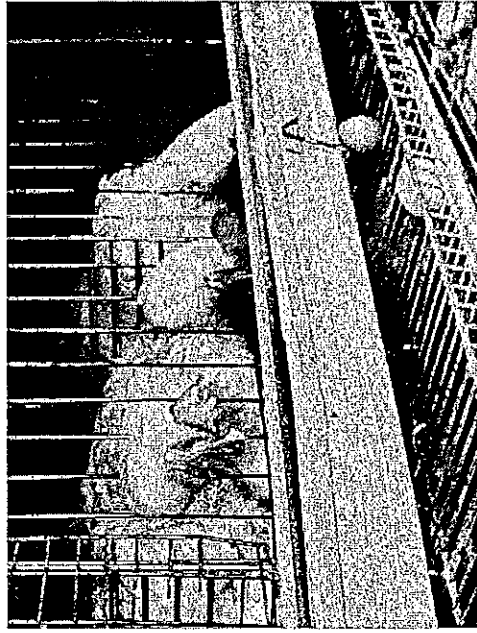


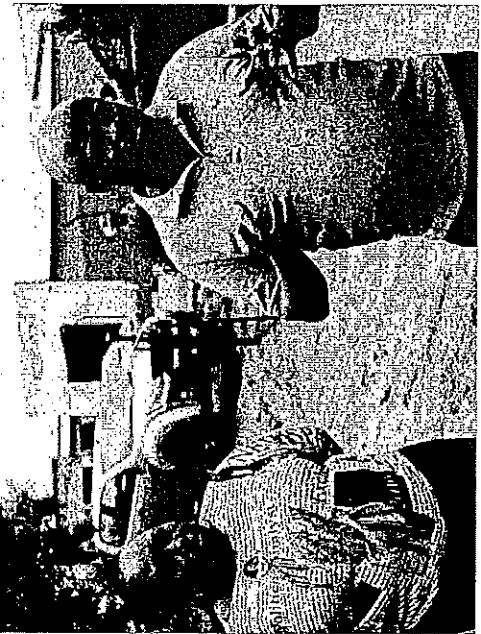
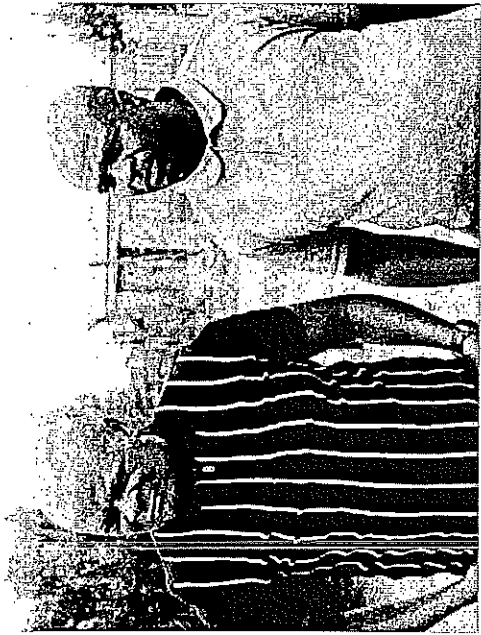
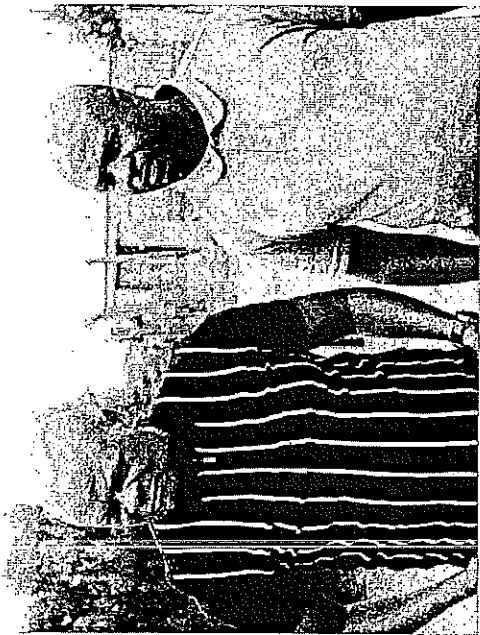


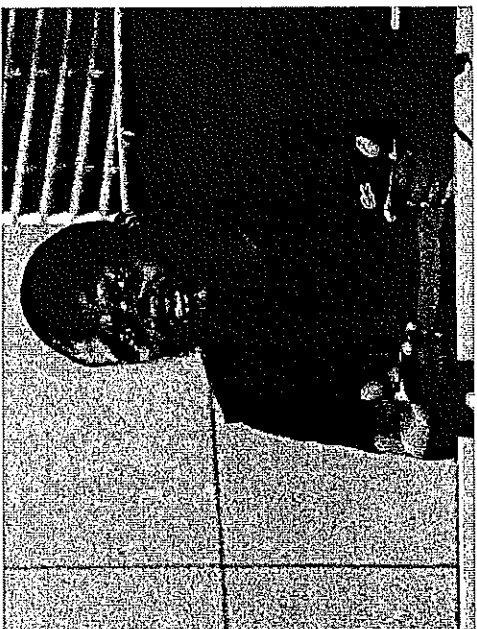
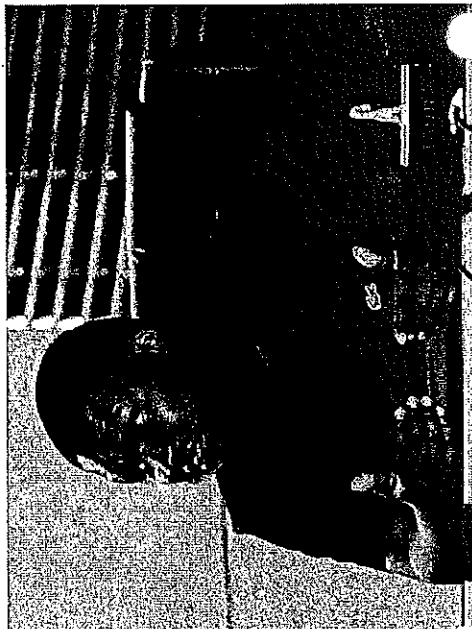




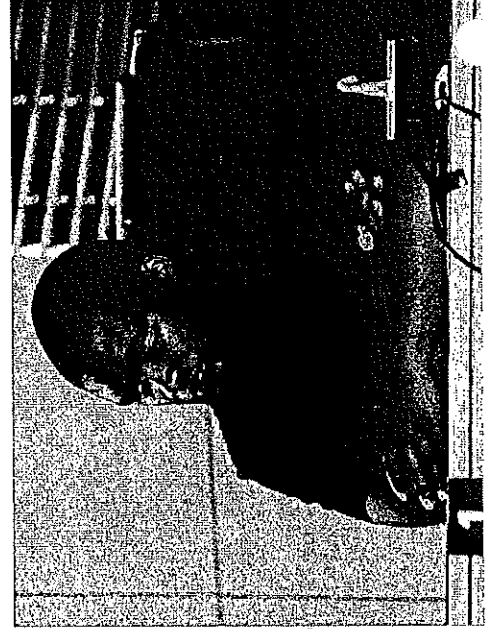






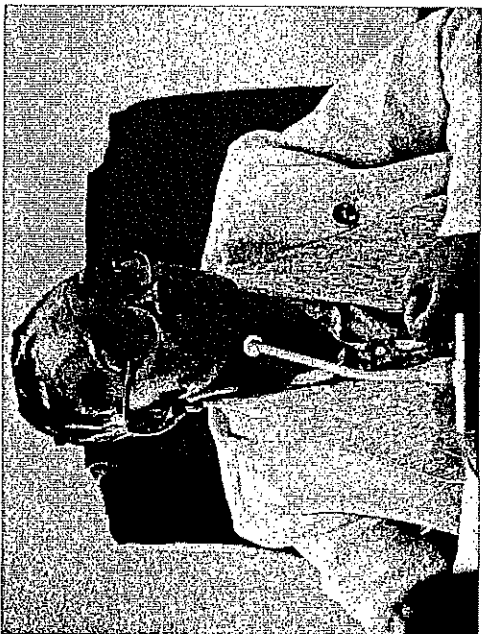


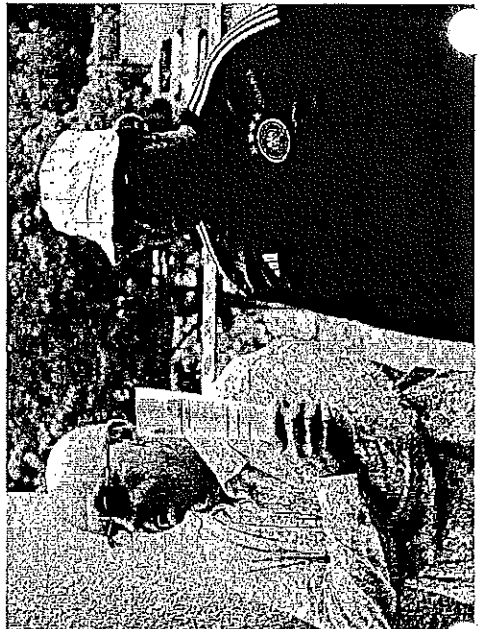
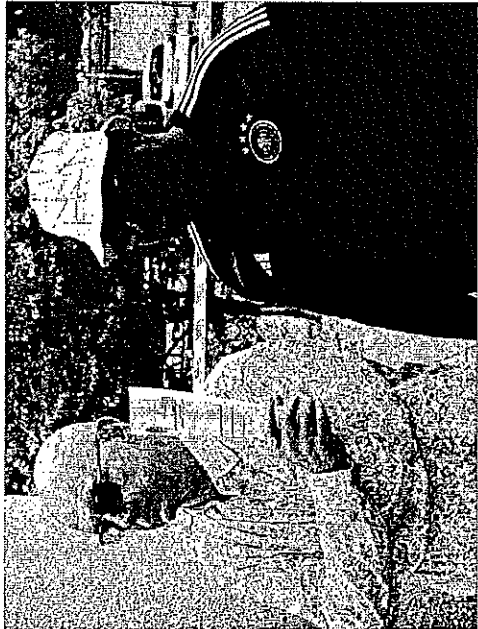


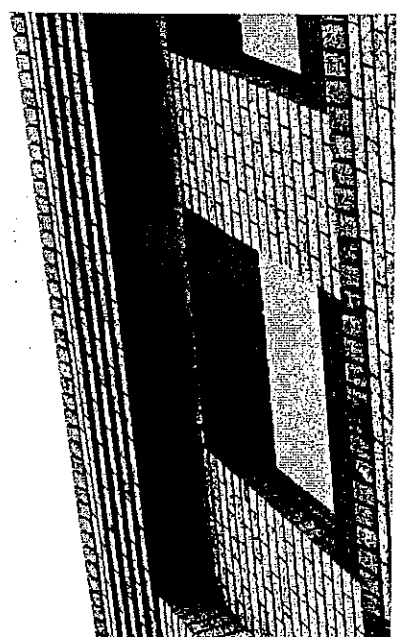
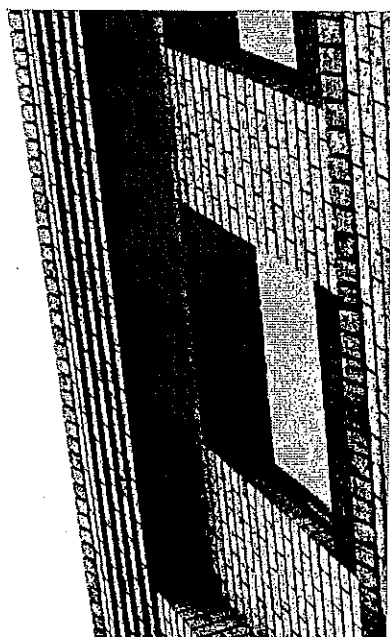
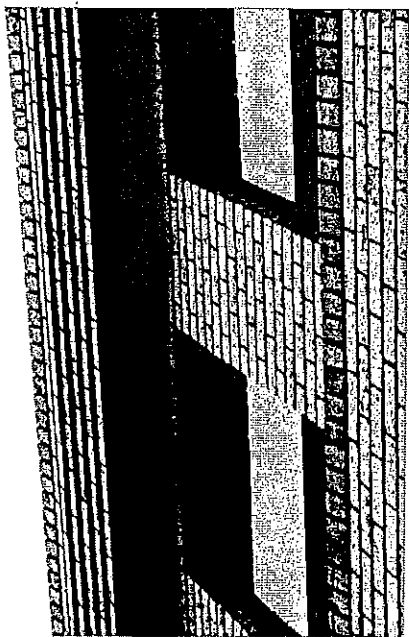
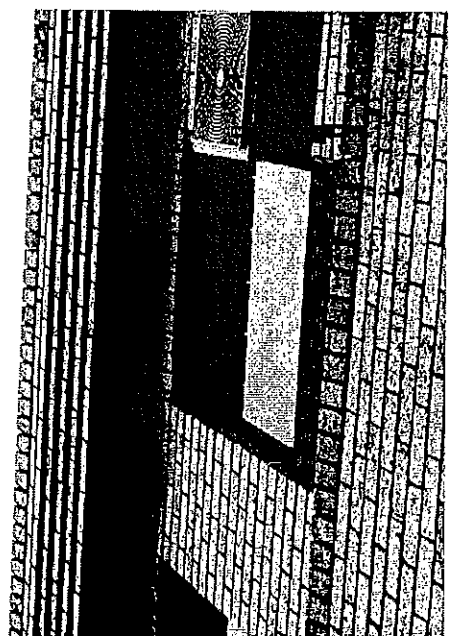
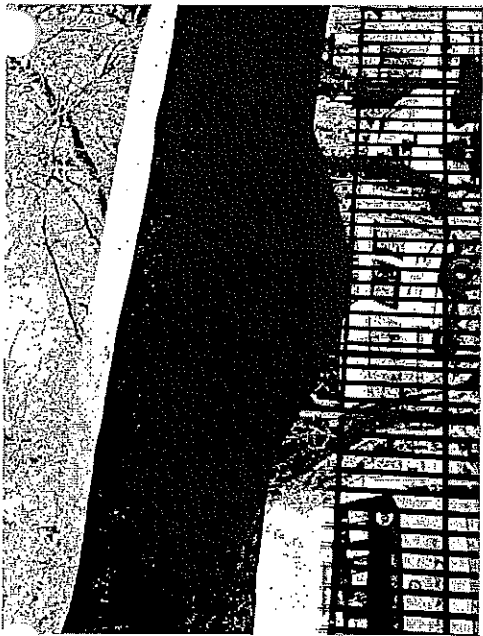
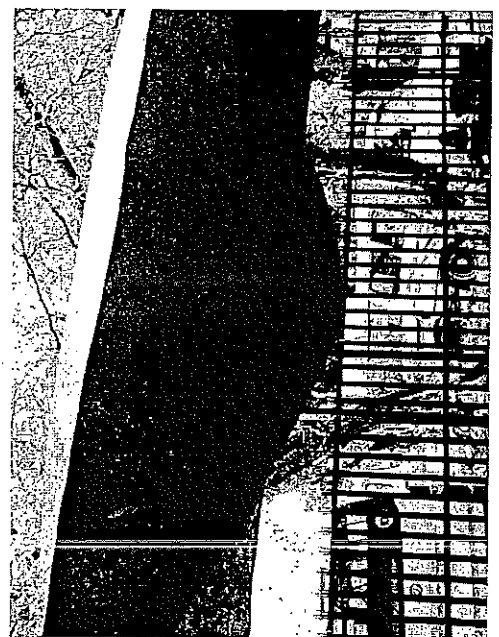
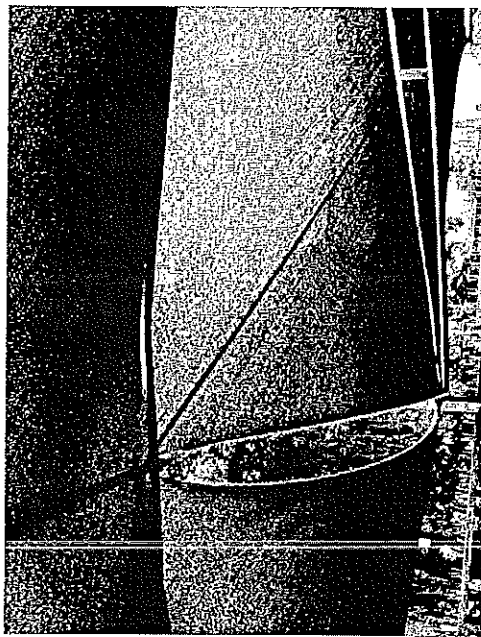
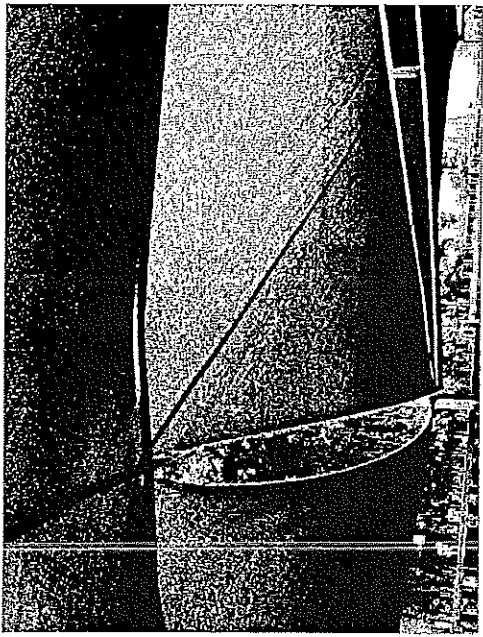


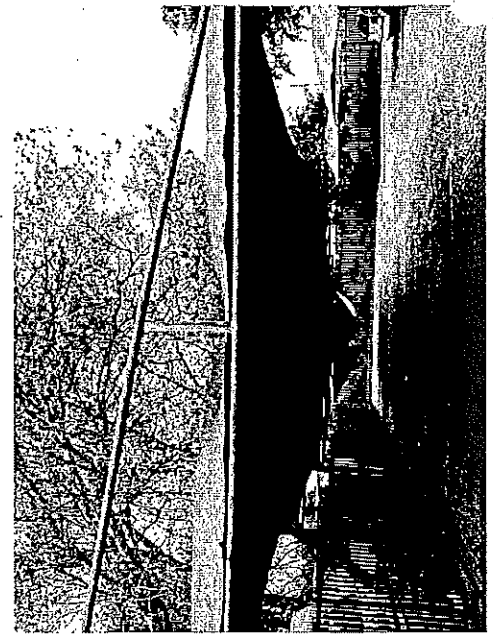
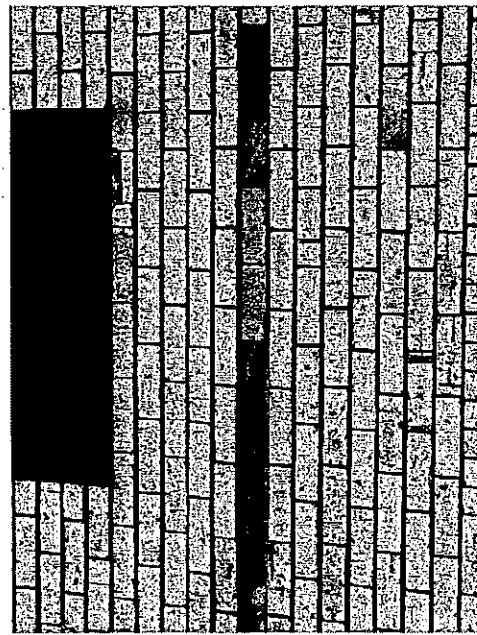
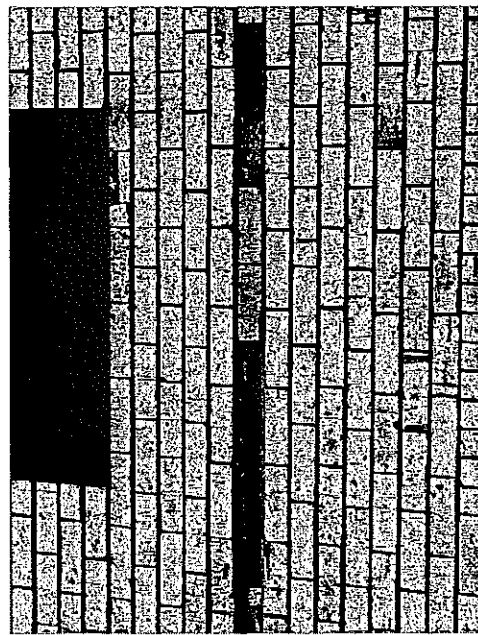
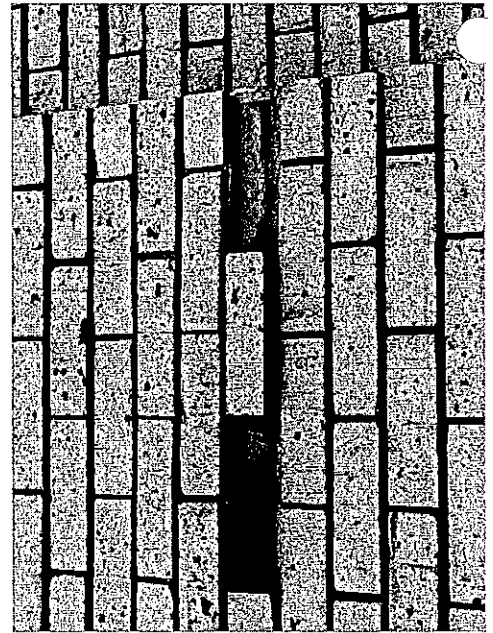
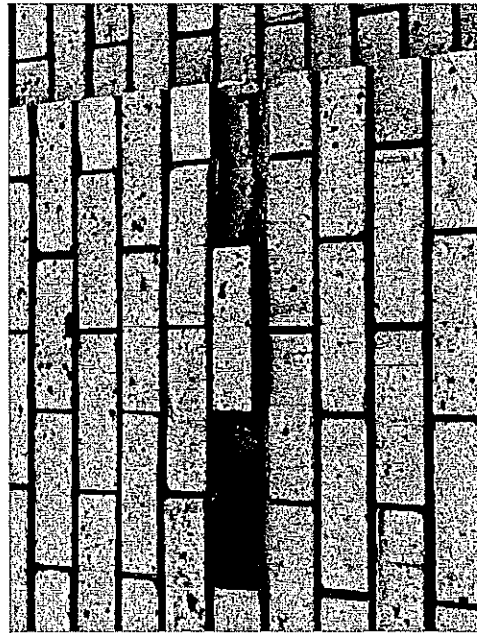
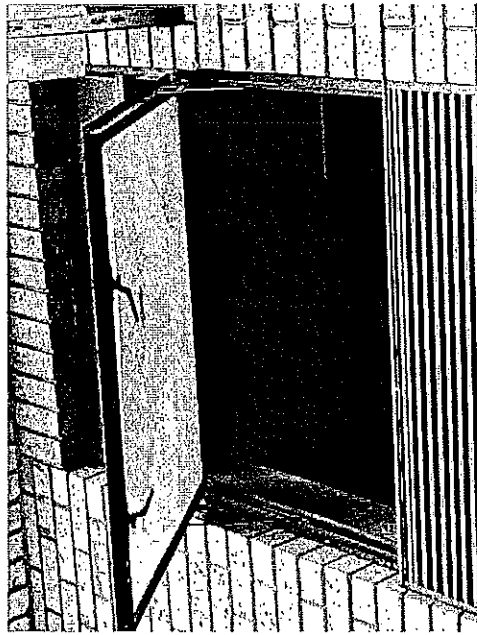
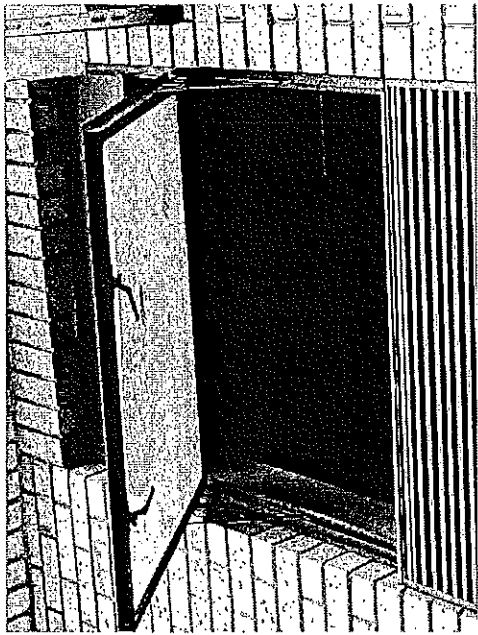


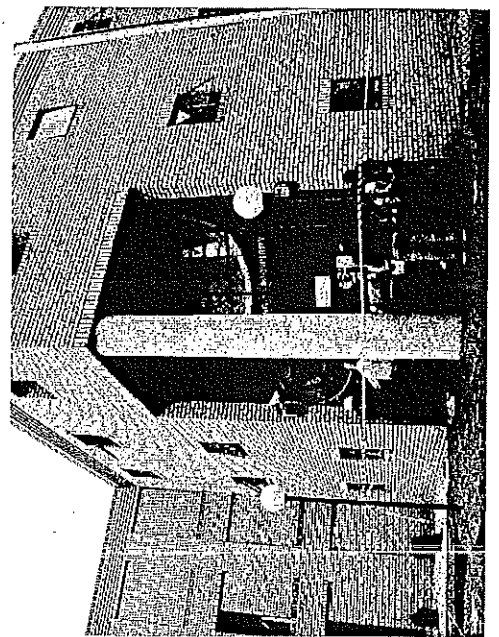
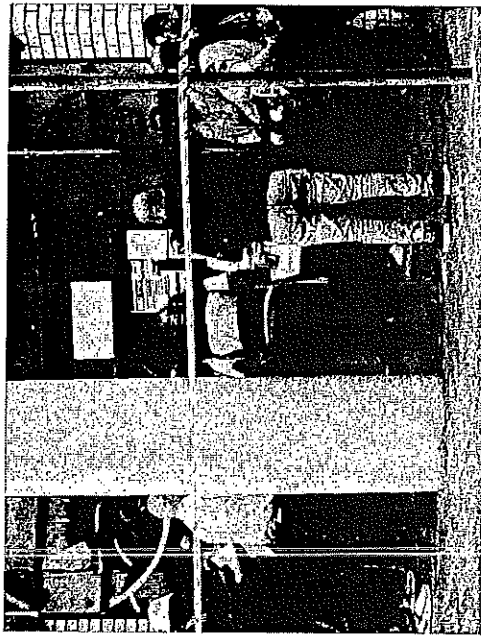
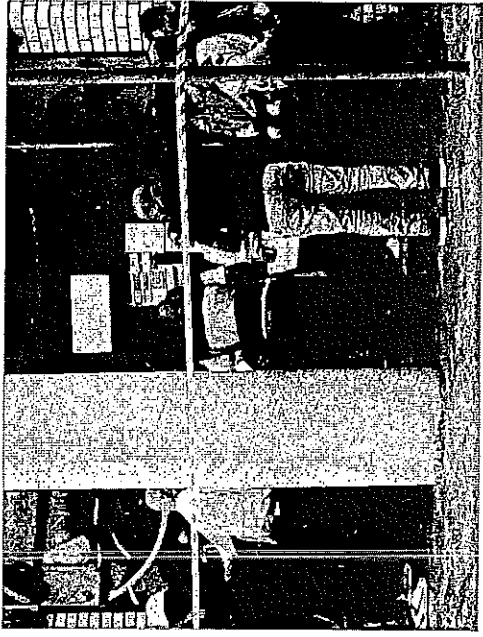


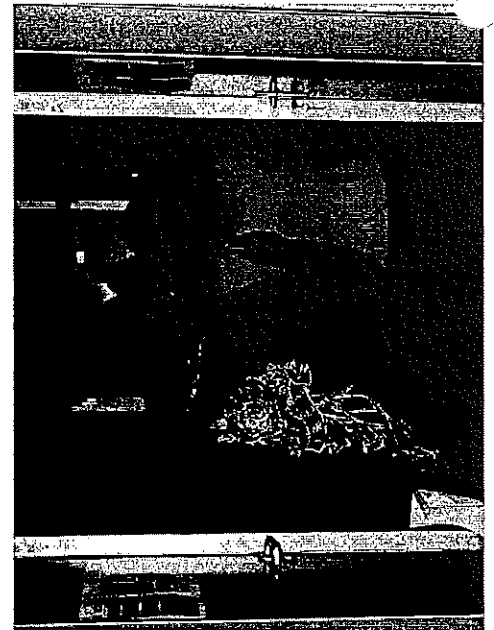
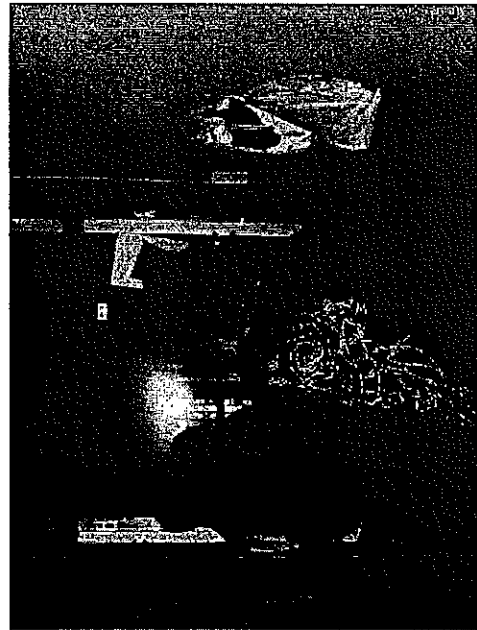
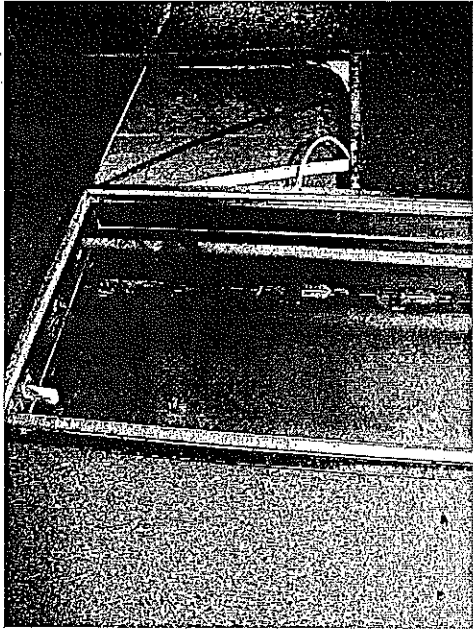


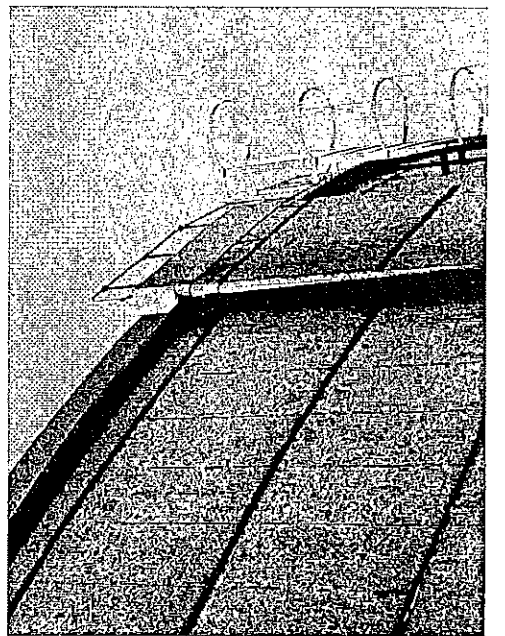
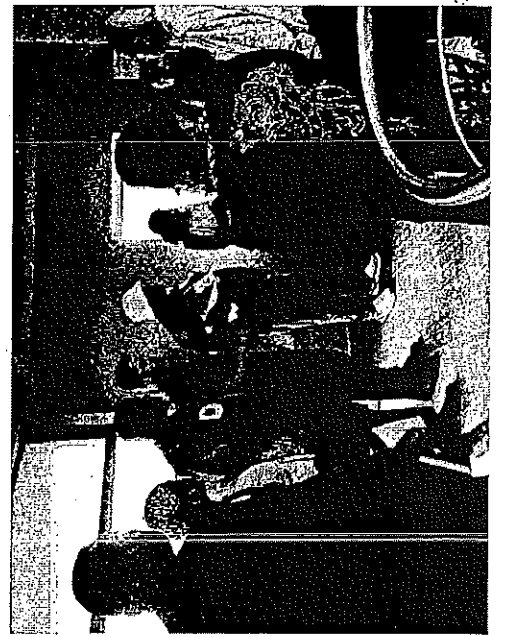


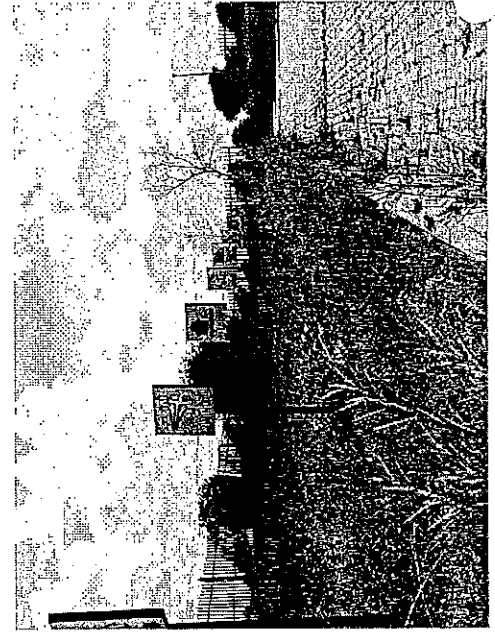
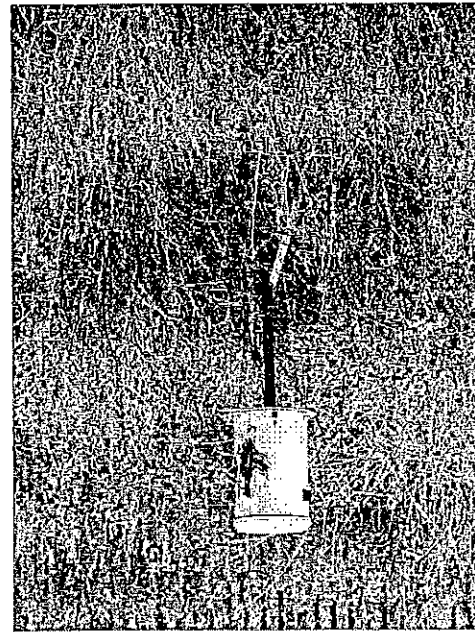
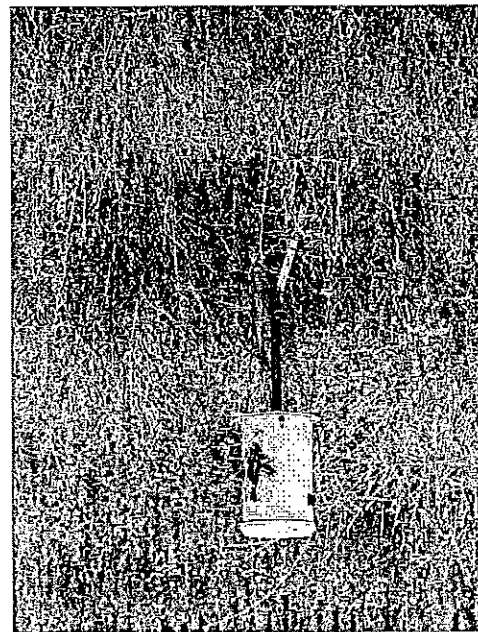


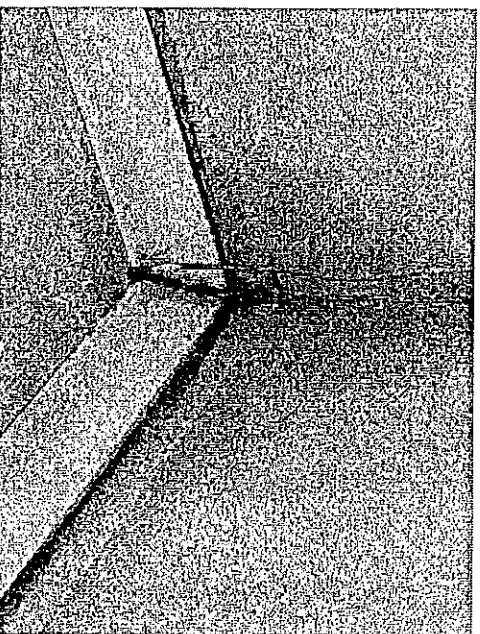
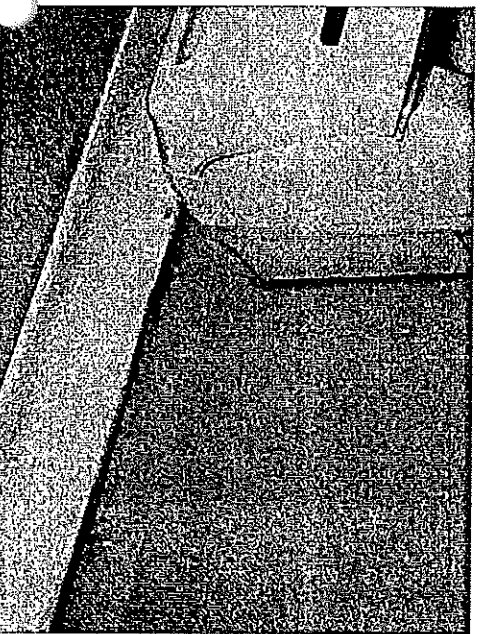
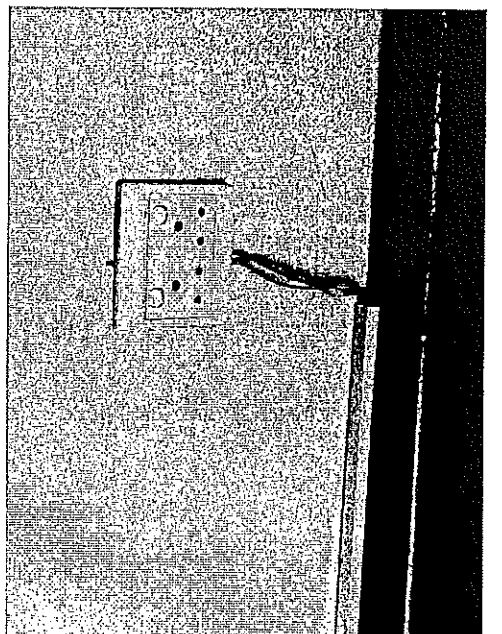
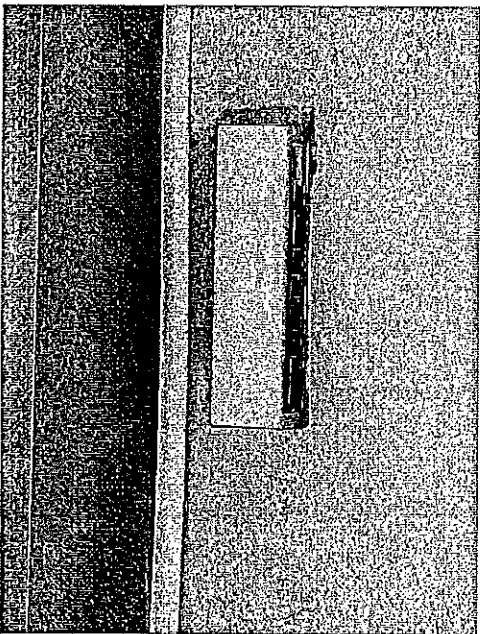
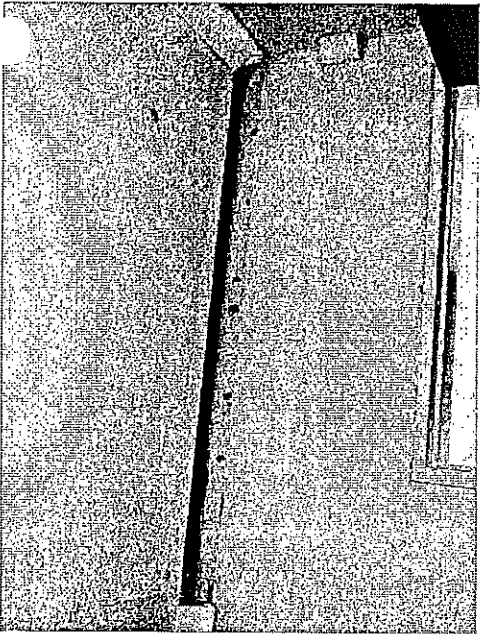
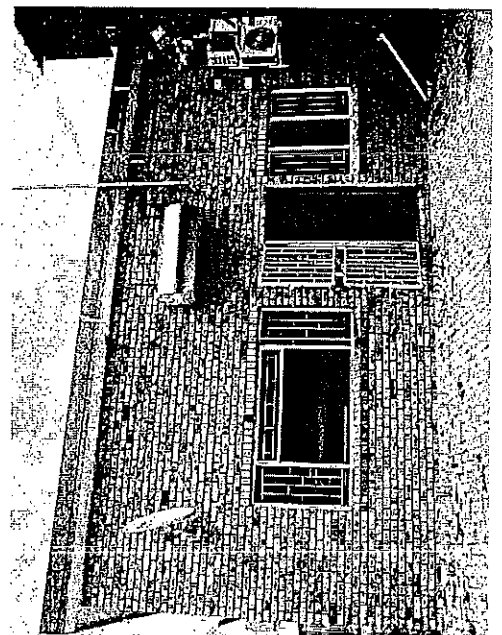
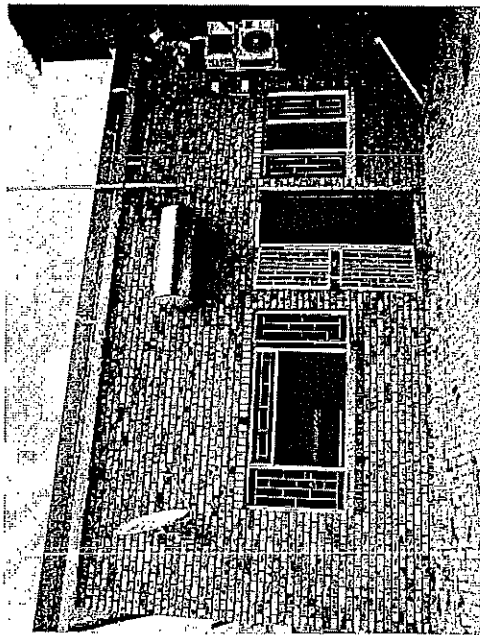
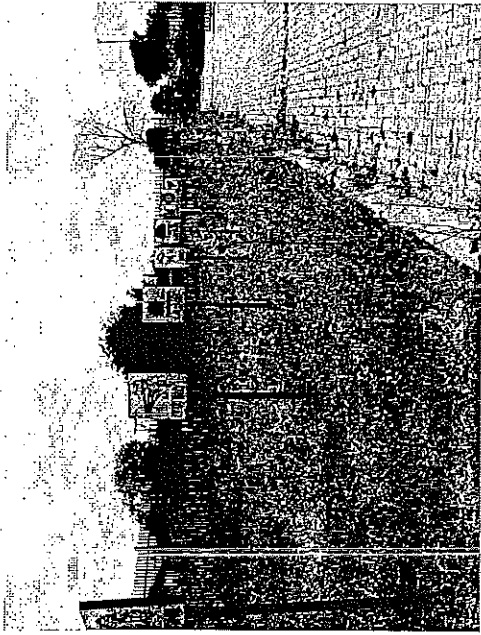


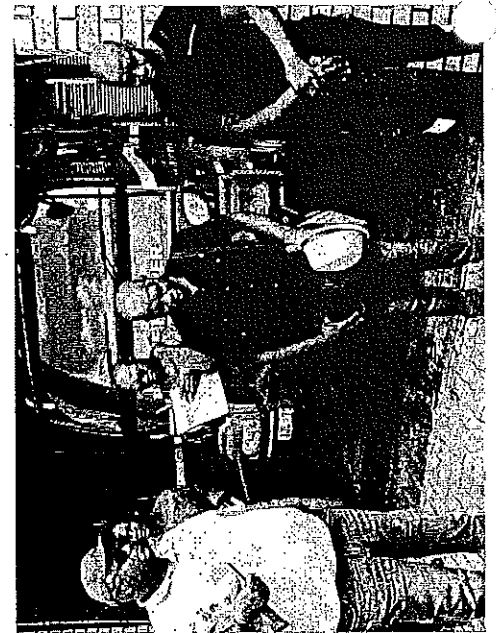
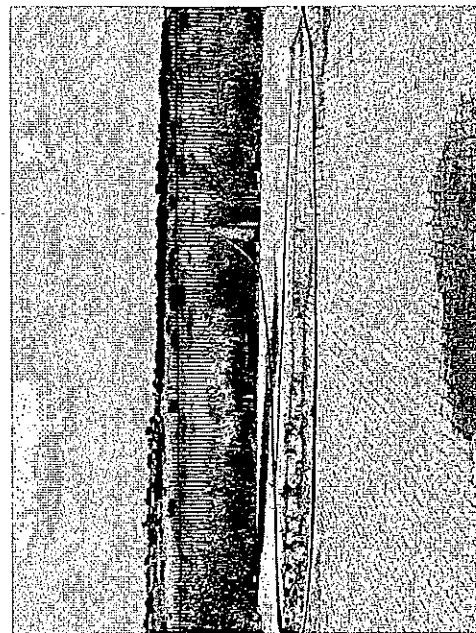
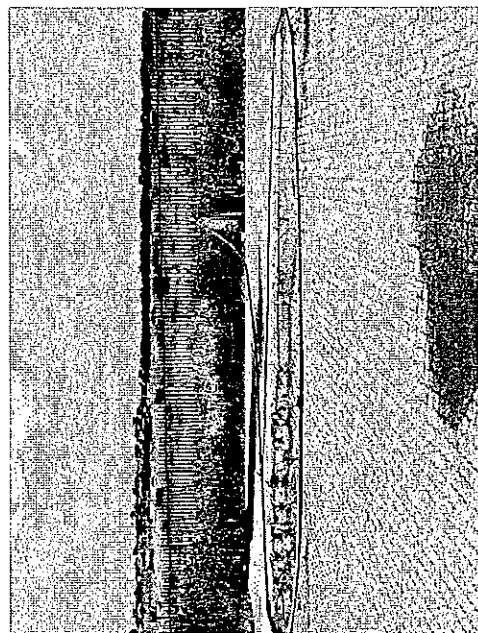
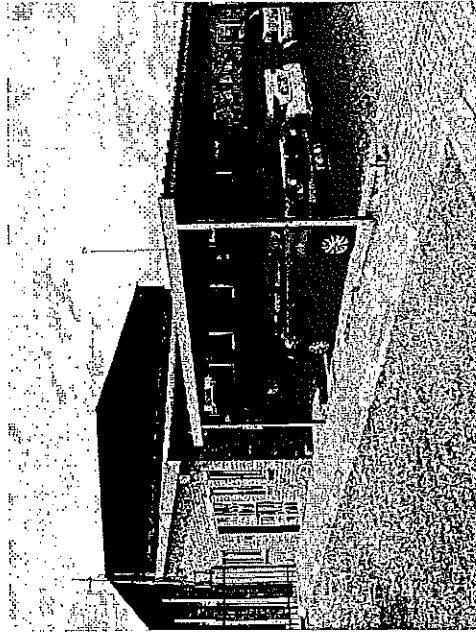
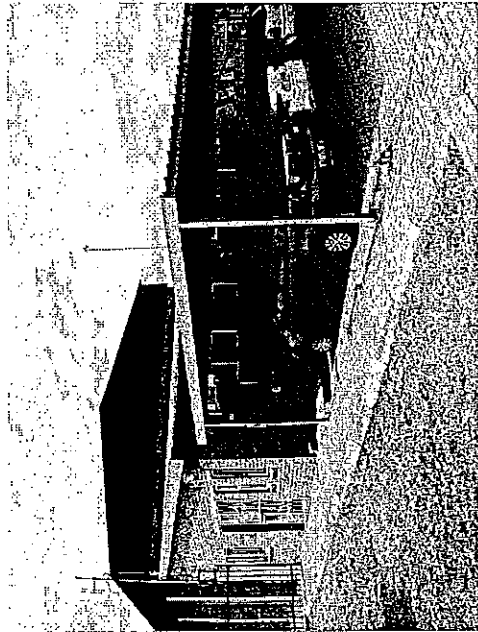
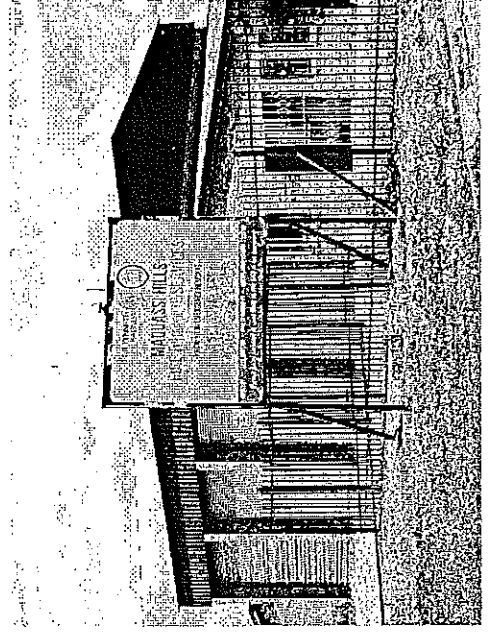
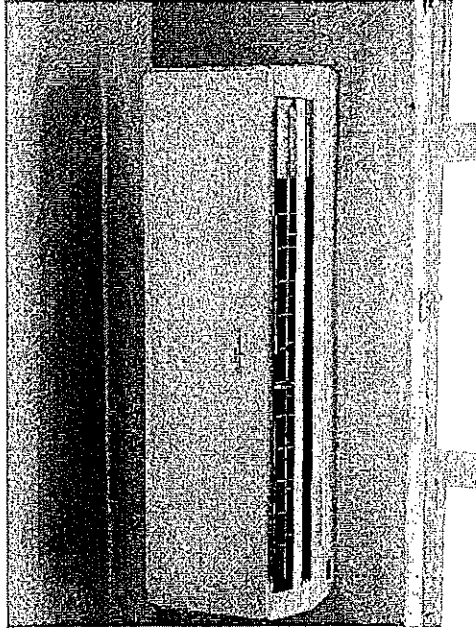


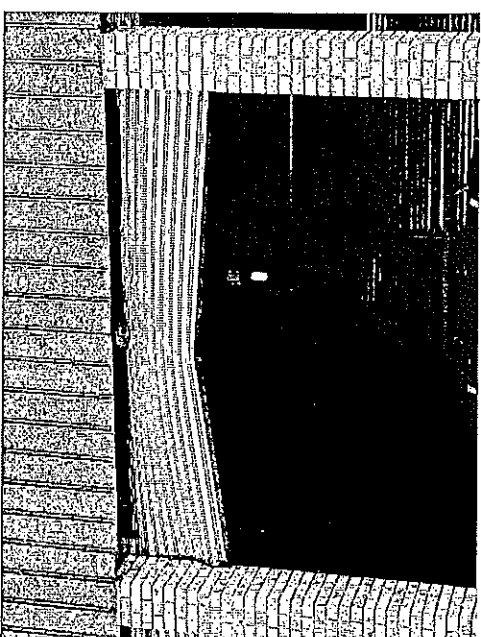
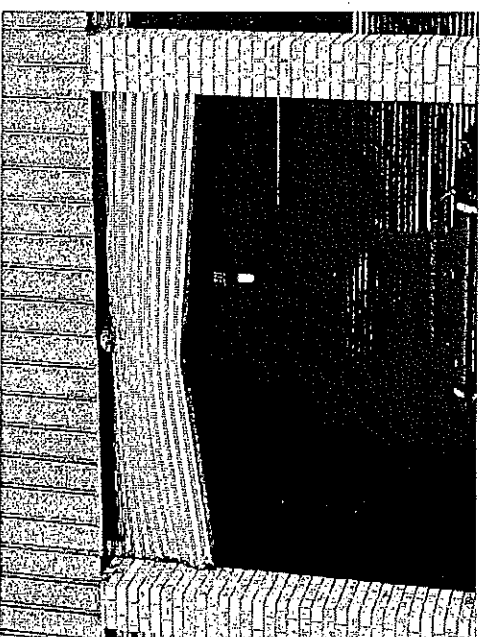
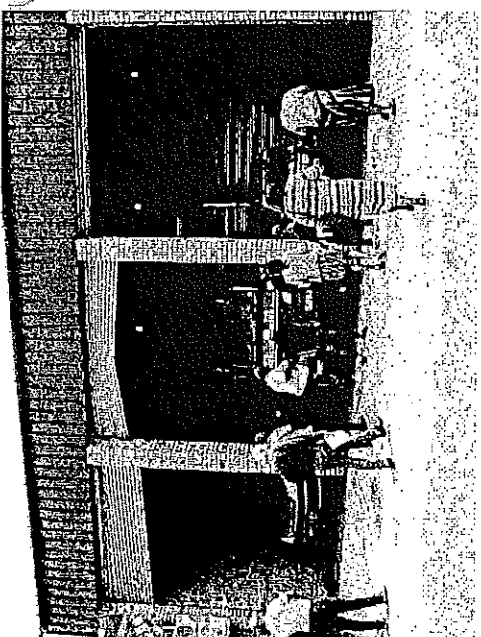
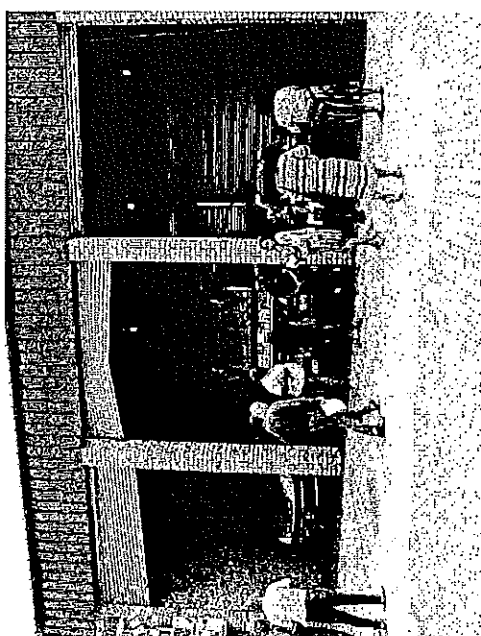
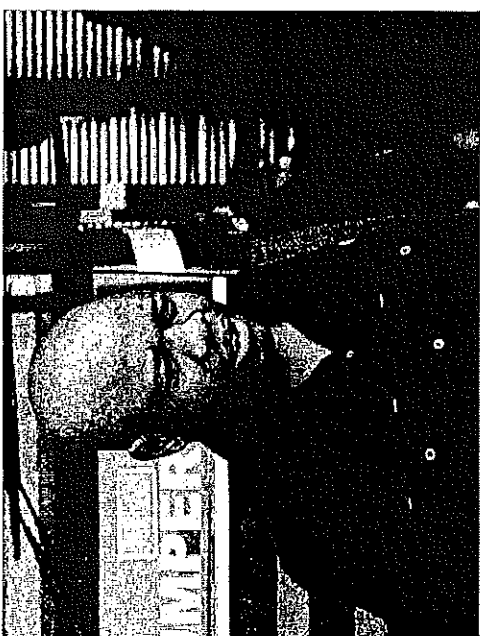
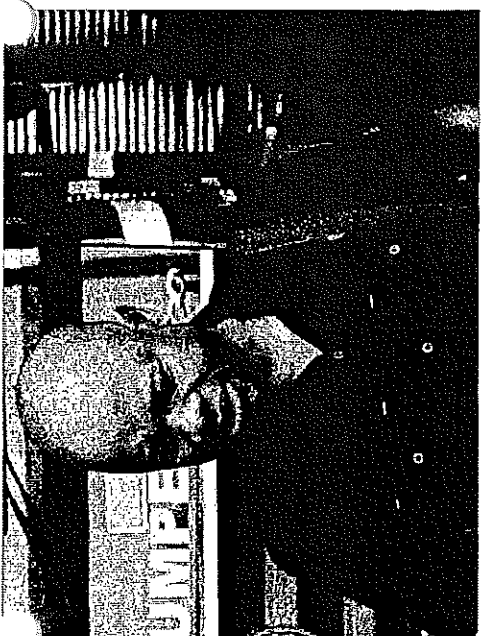
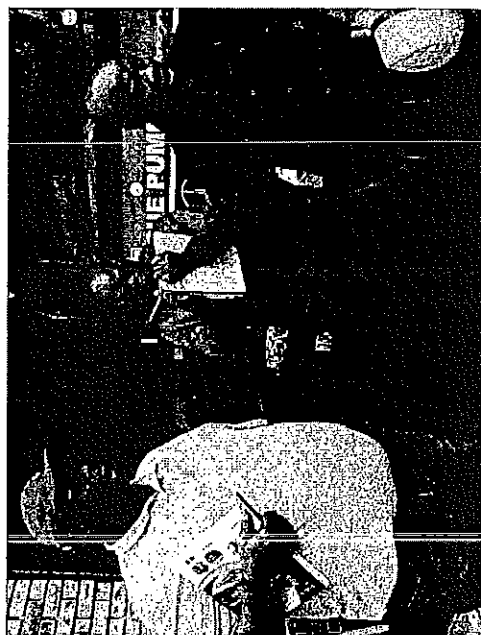
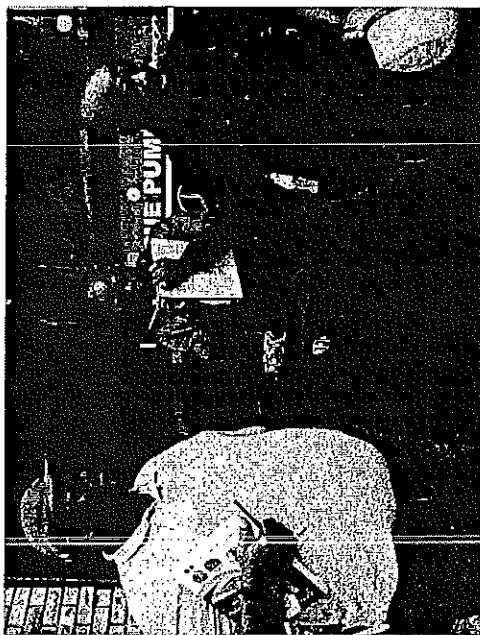
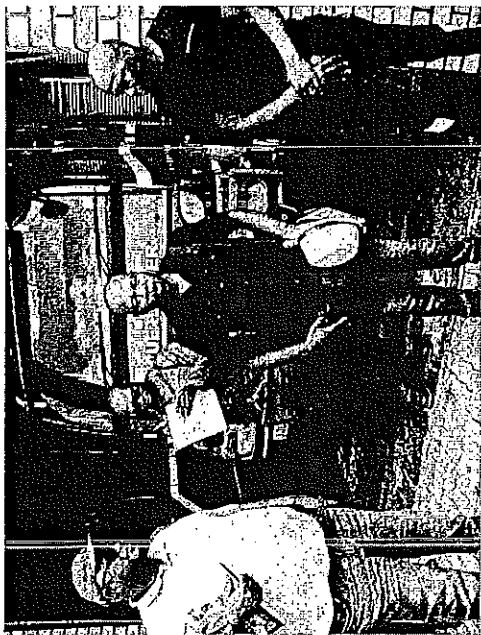


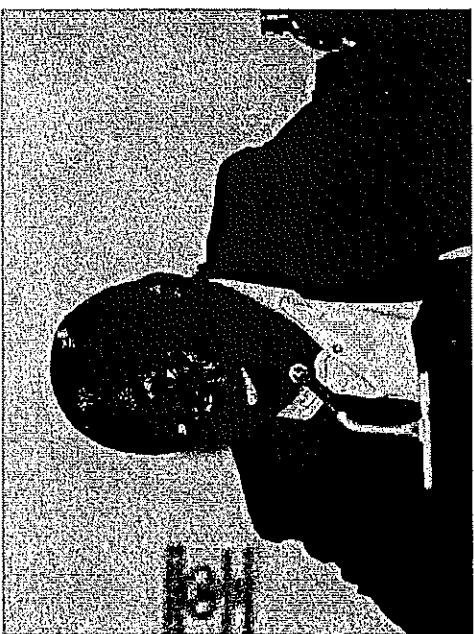
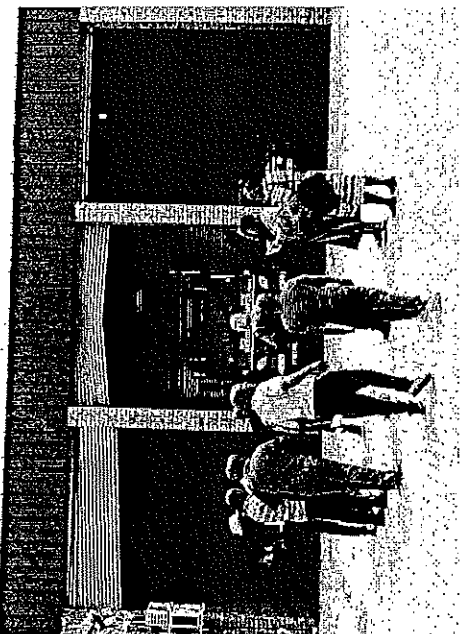
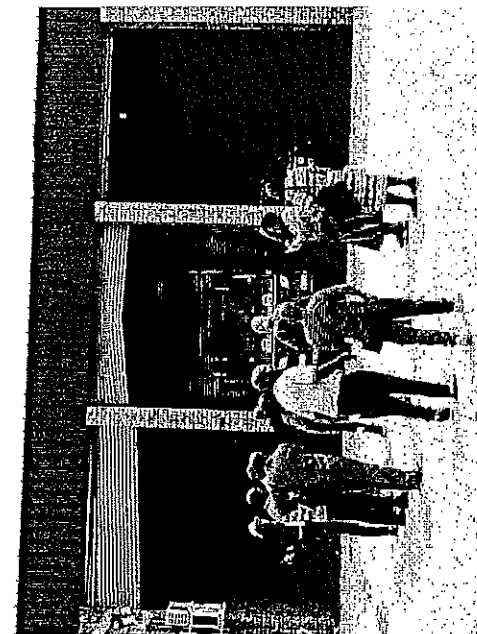
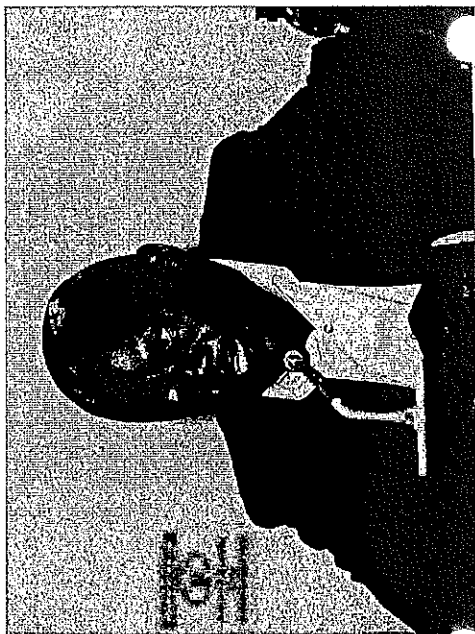
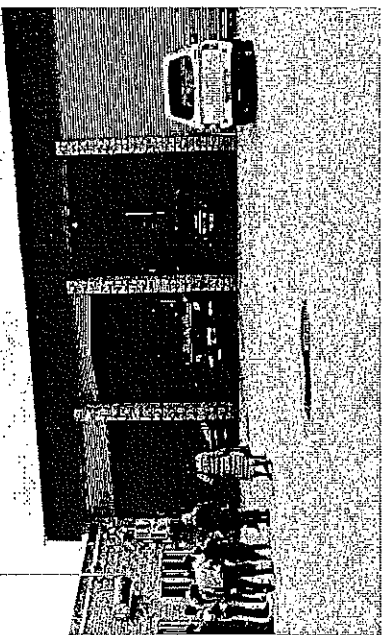
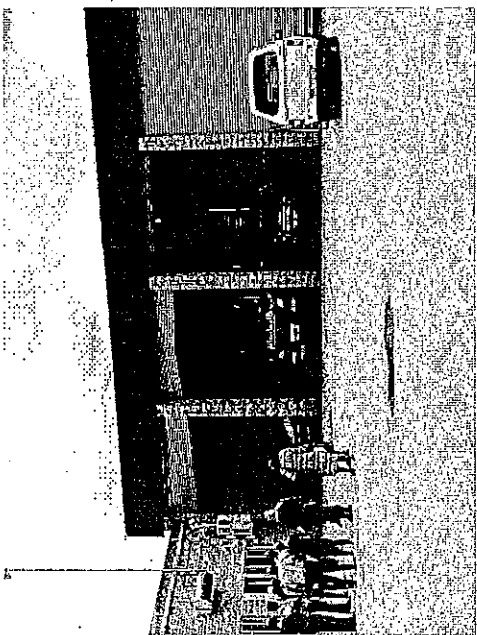
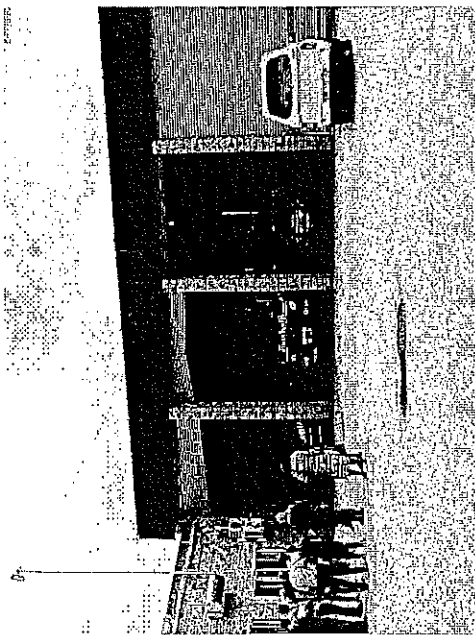


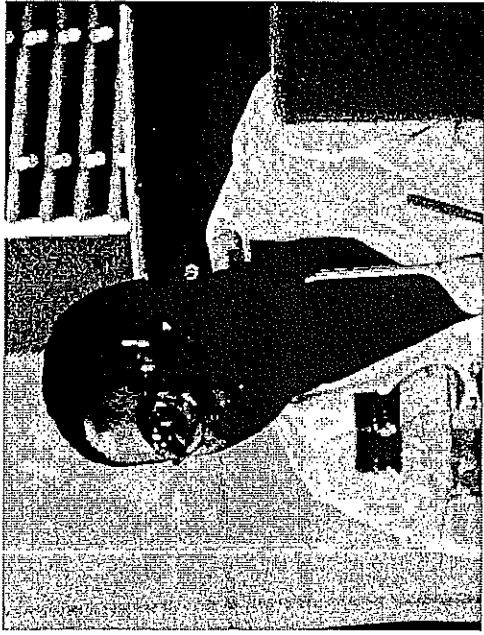


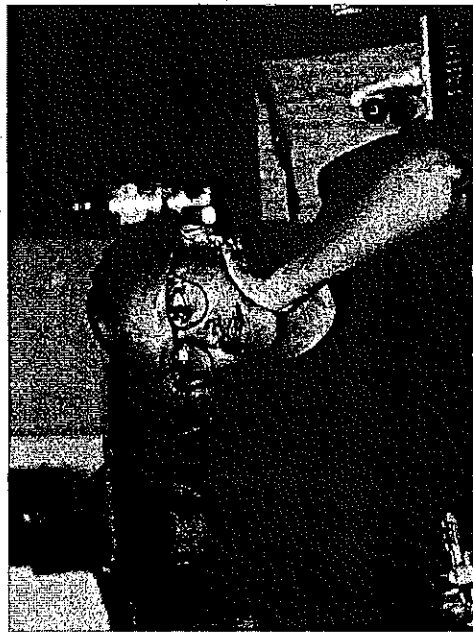


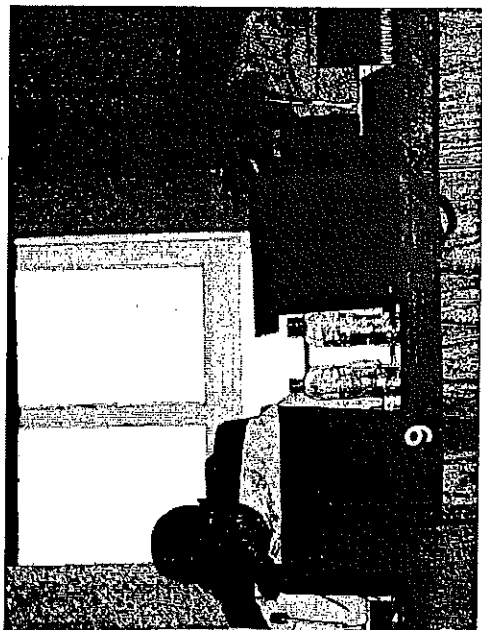
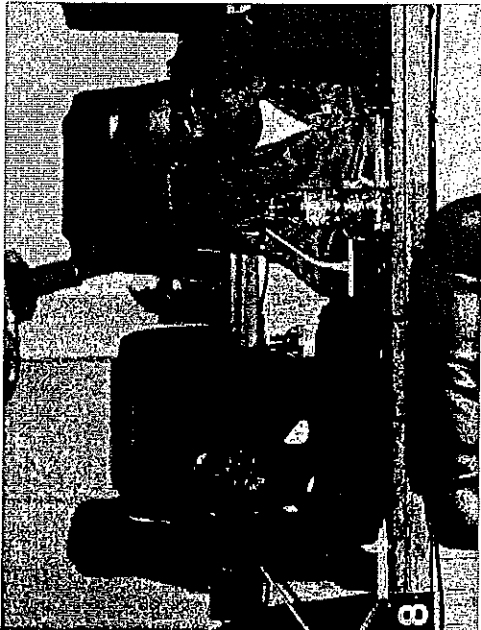
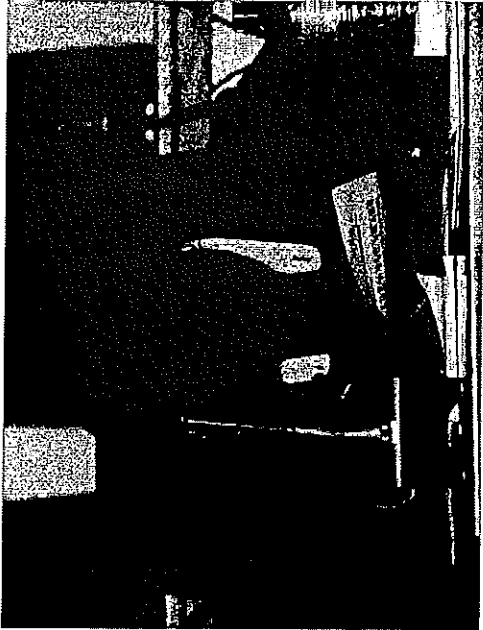
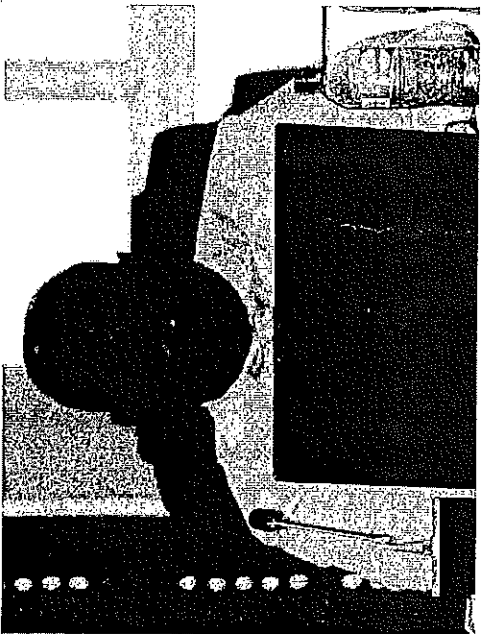
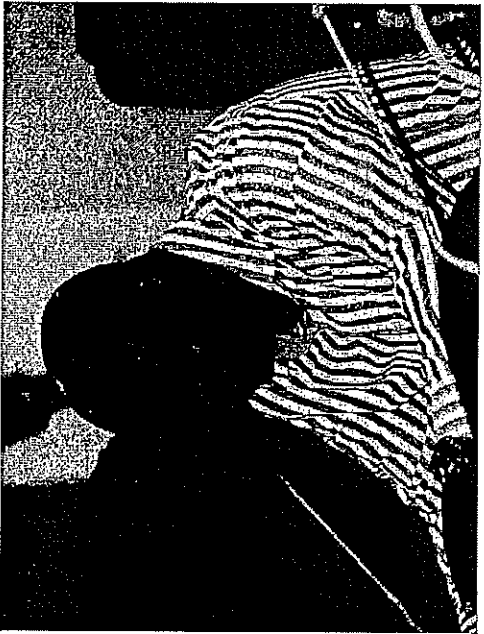


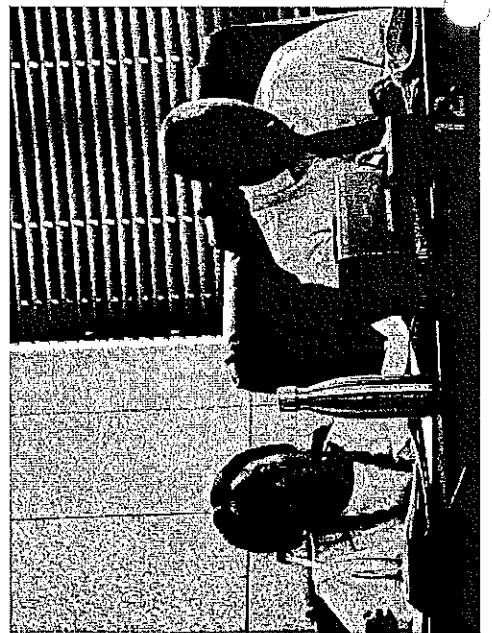
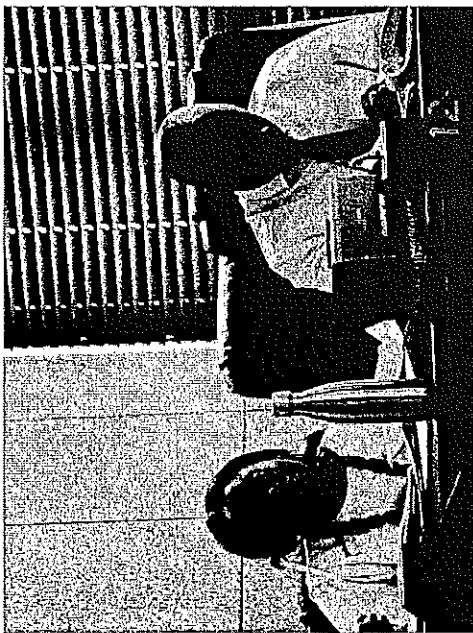
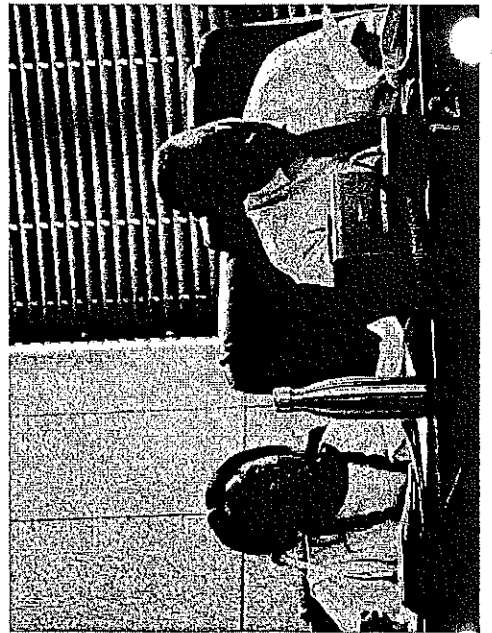
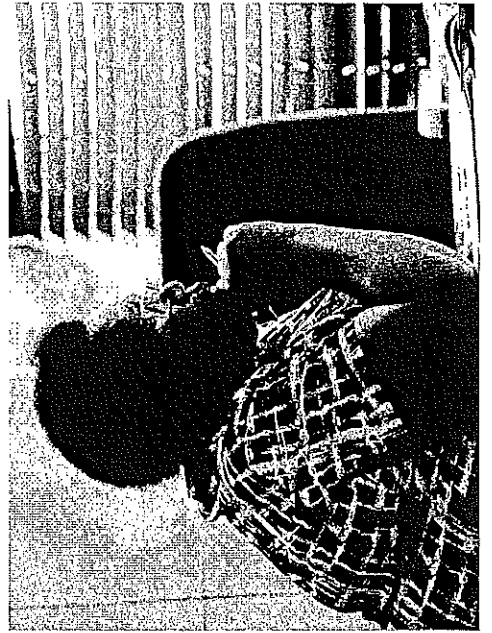
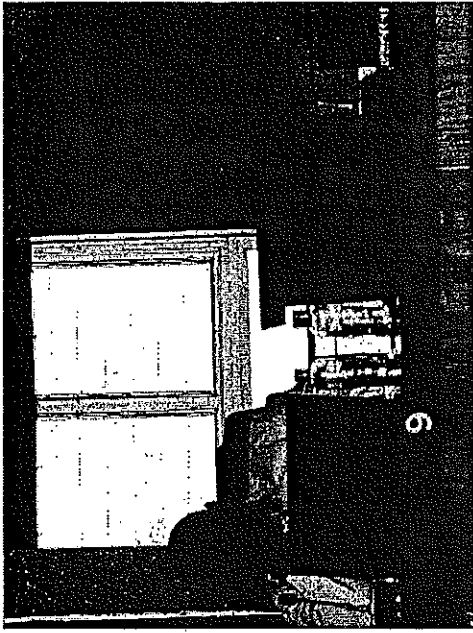


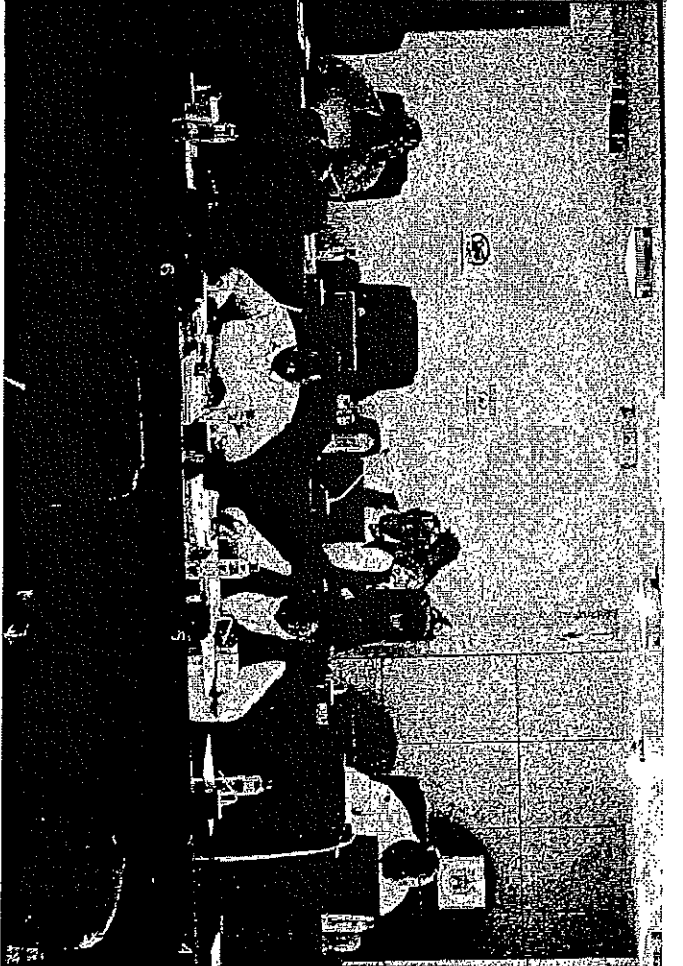
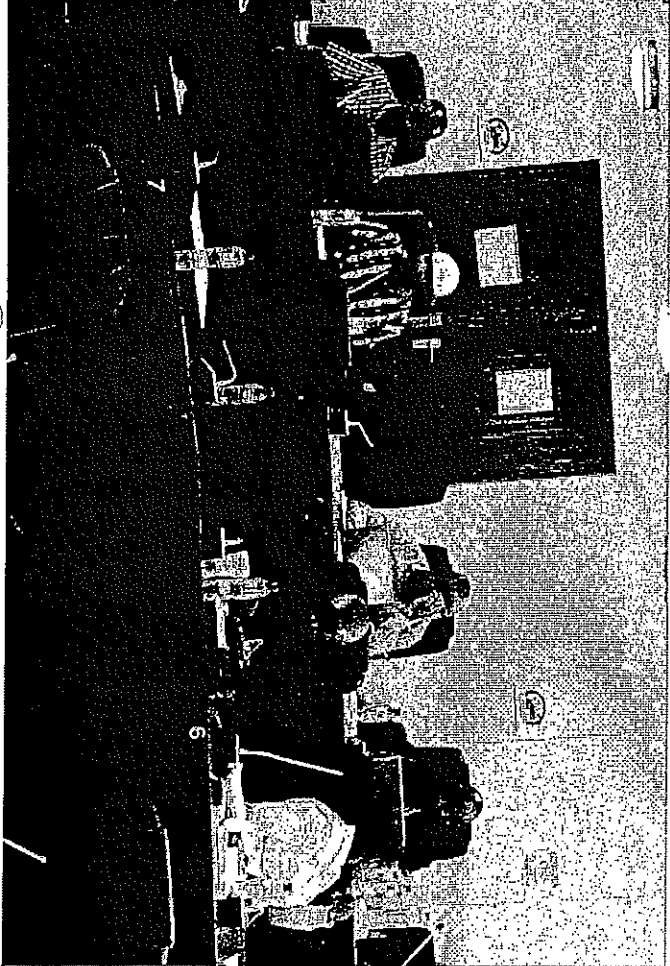
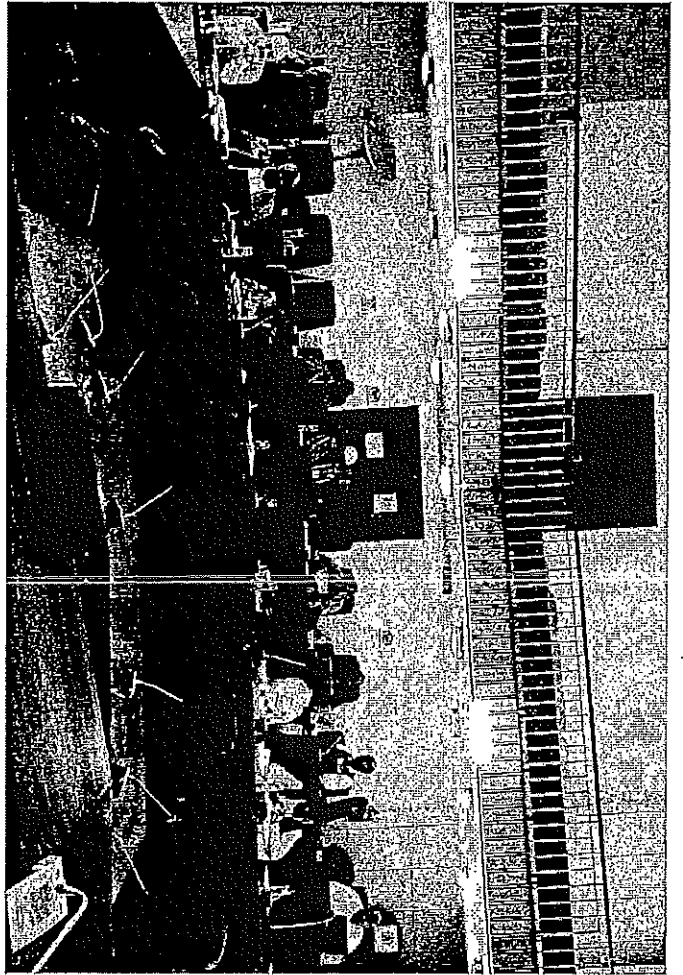


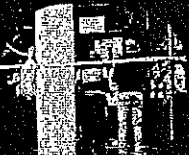
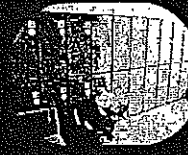




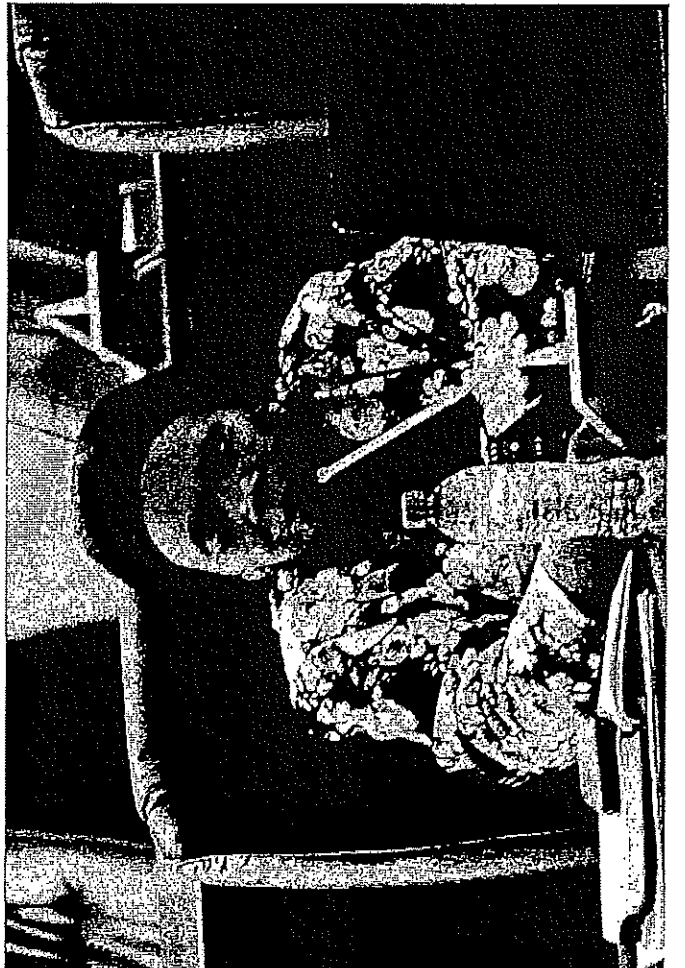
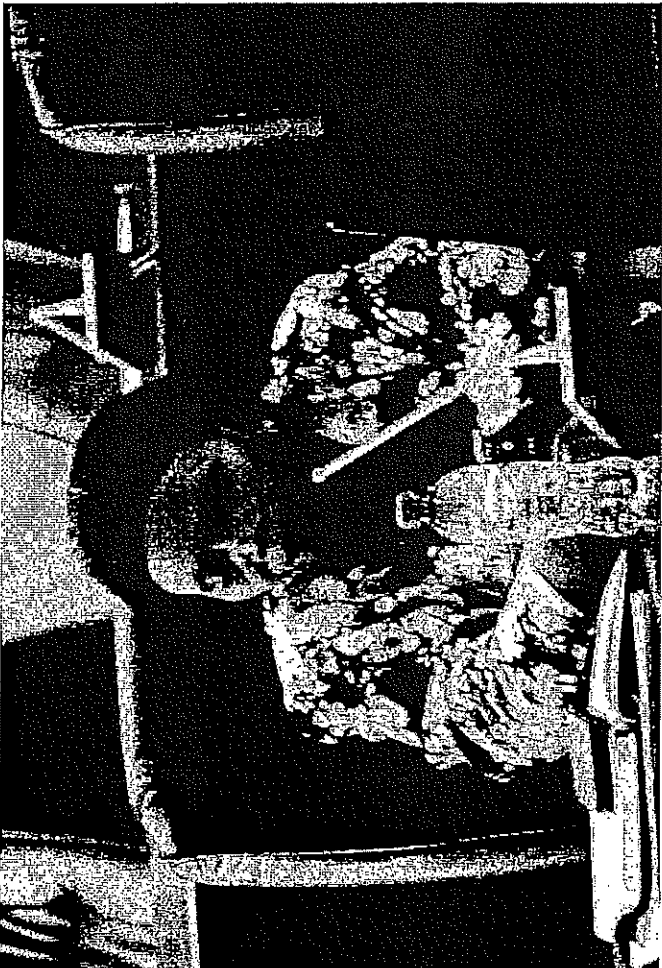


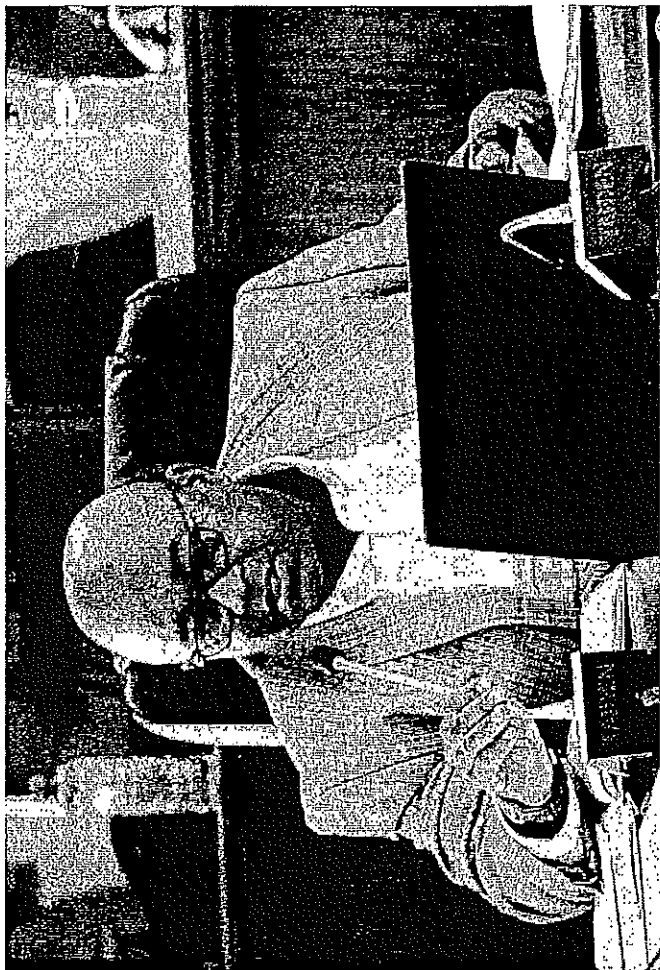
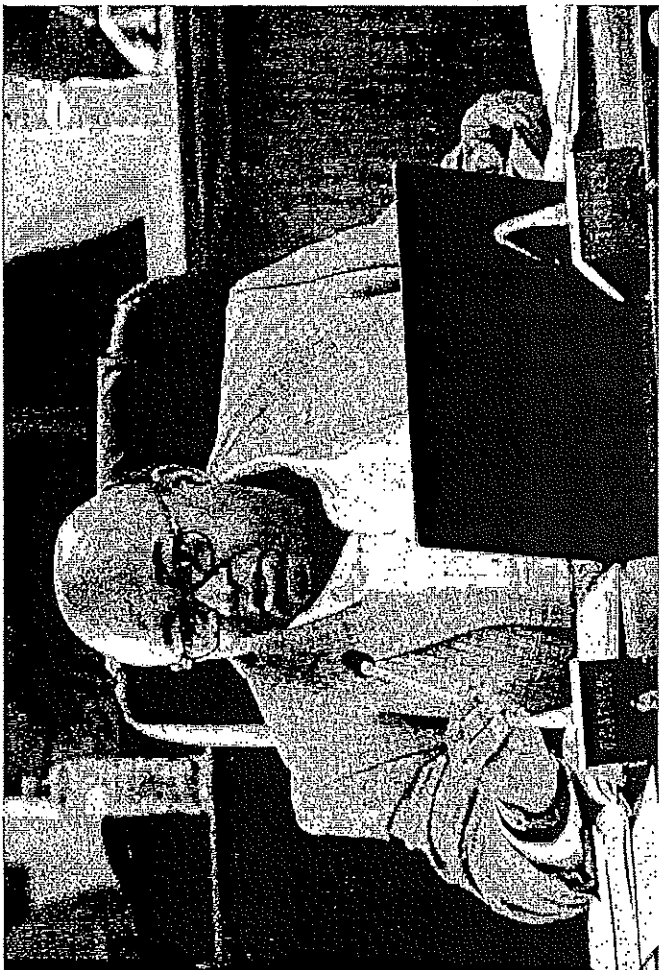


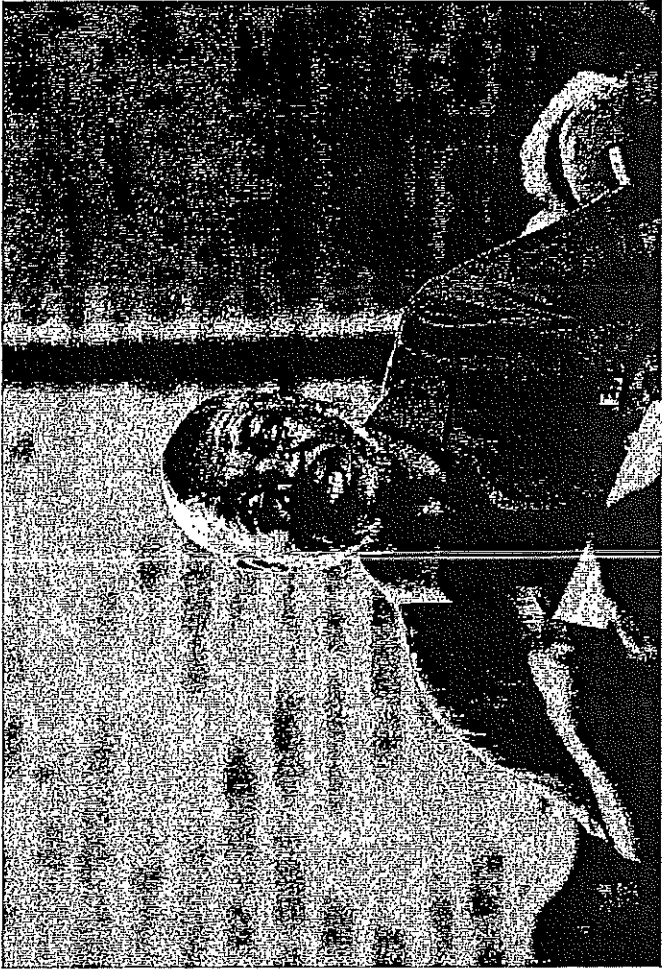


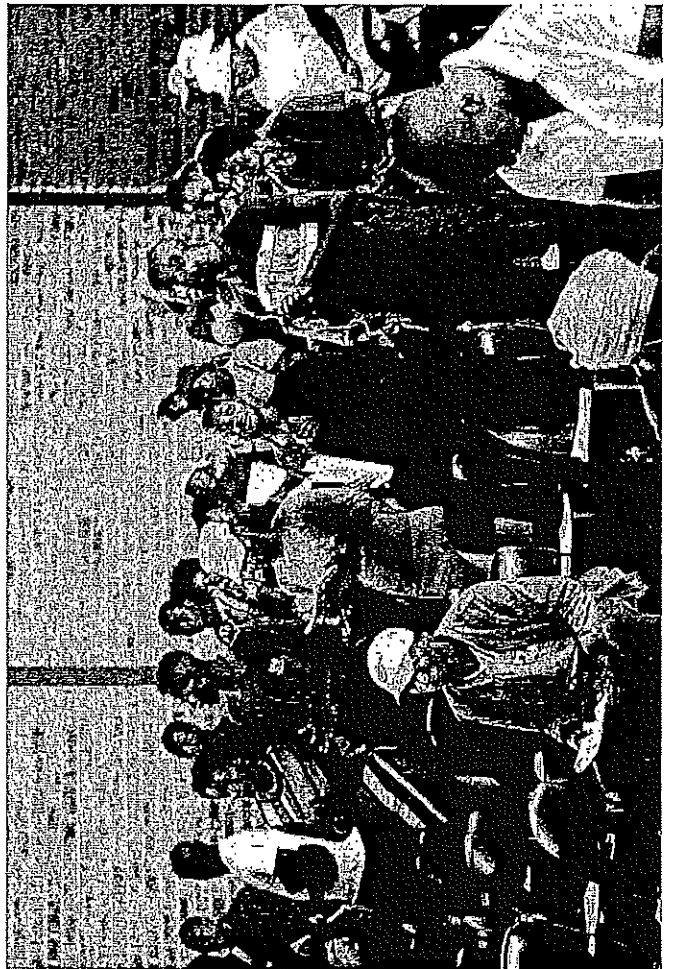


RESOLUTION NUMBER & DATE OF ADOPTION



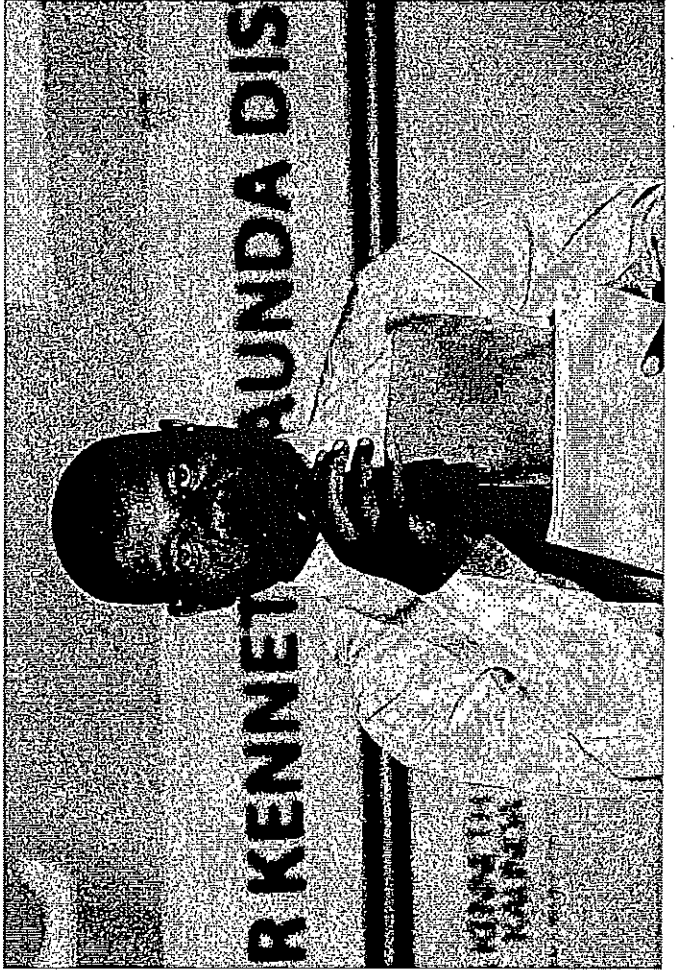


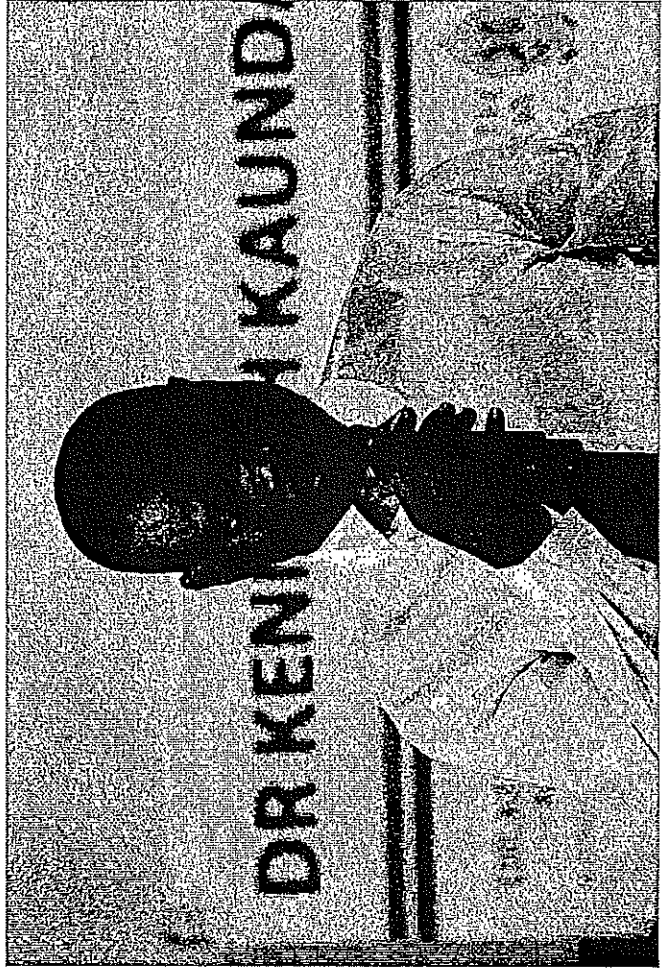
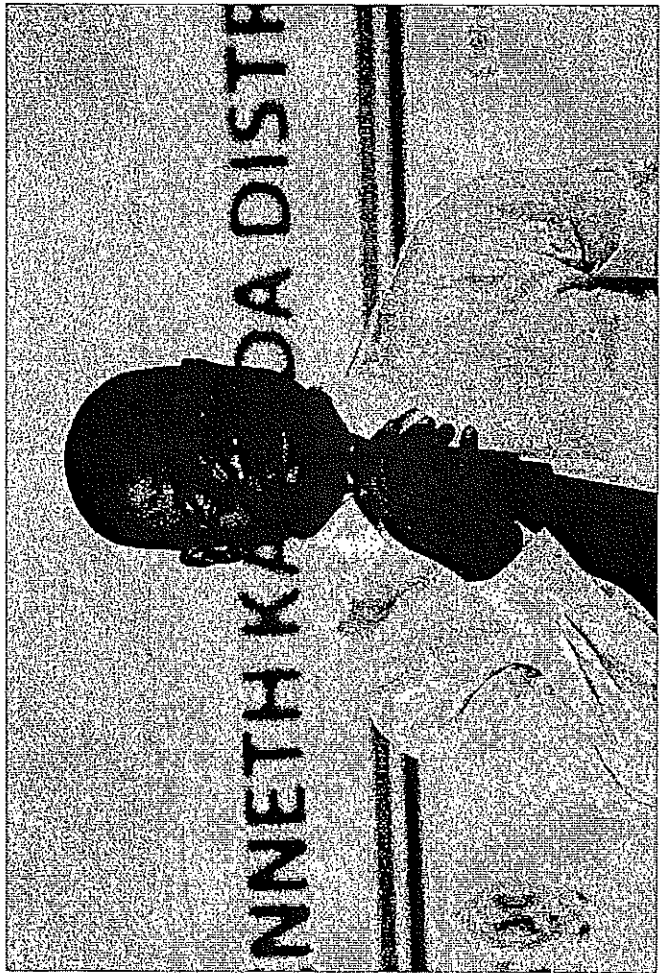
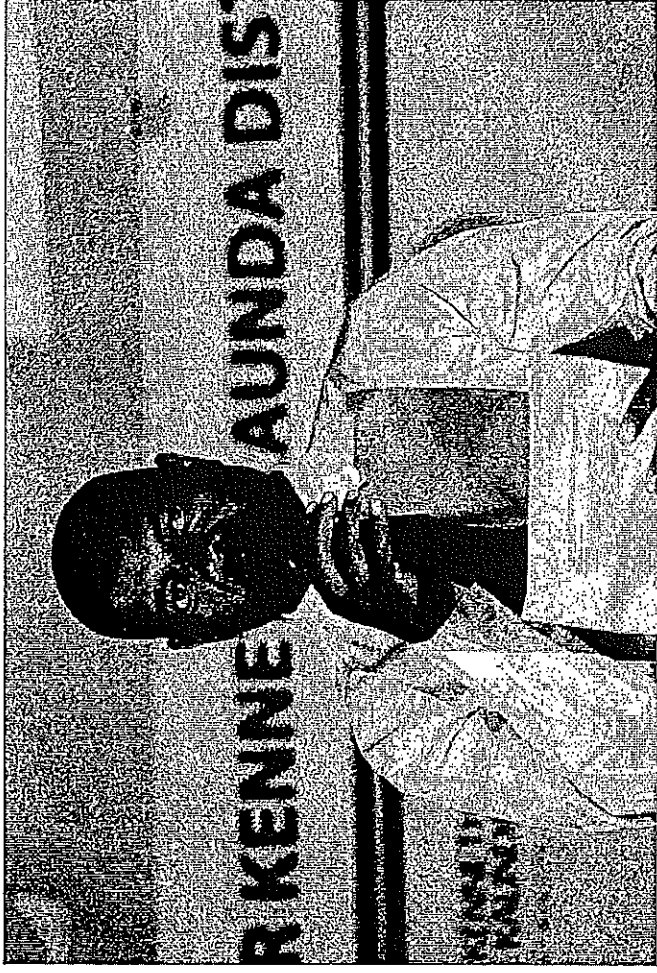






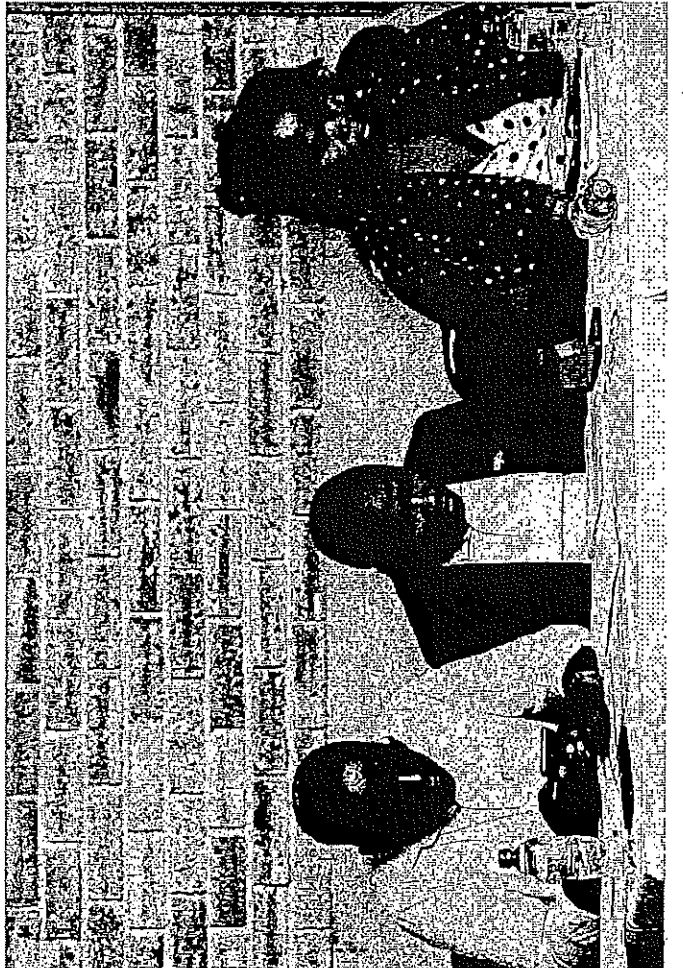
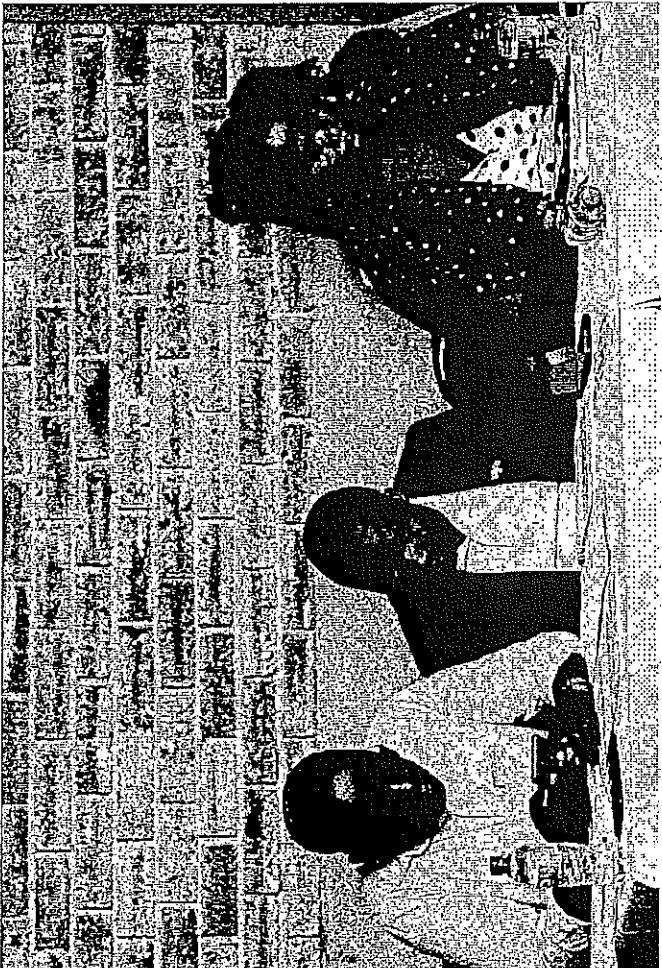




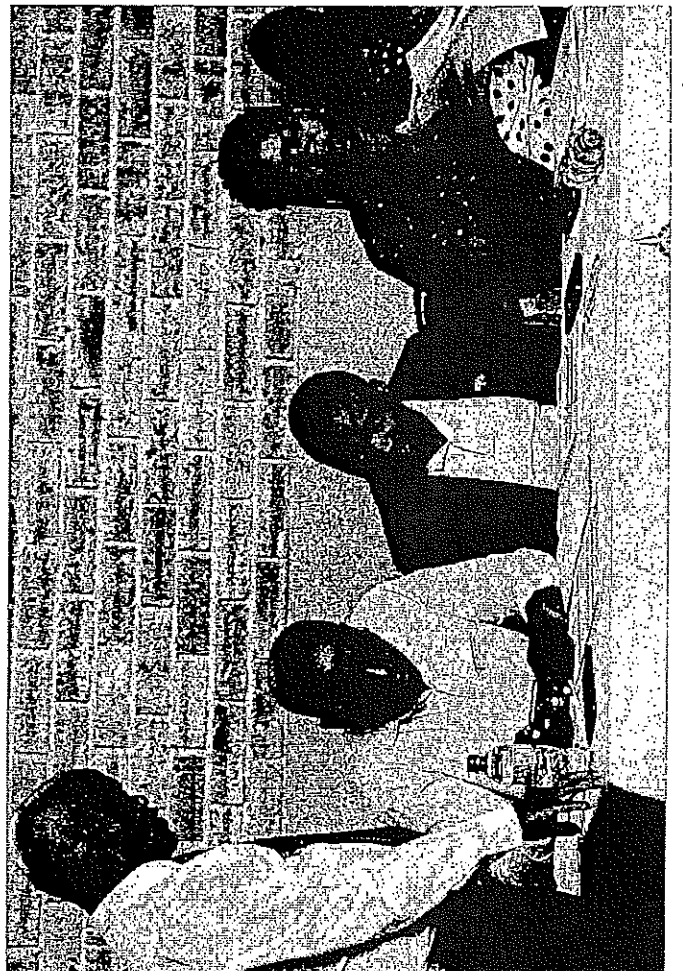


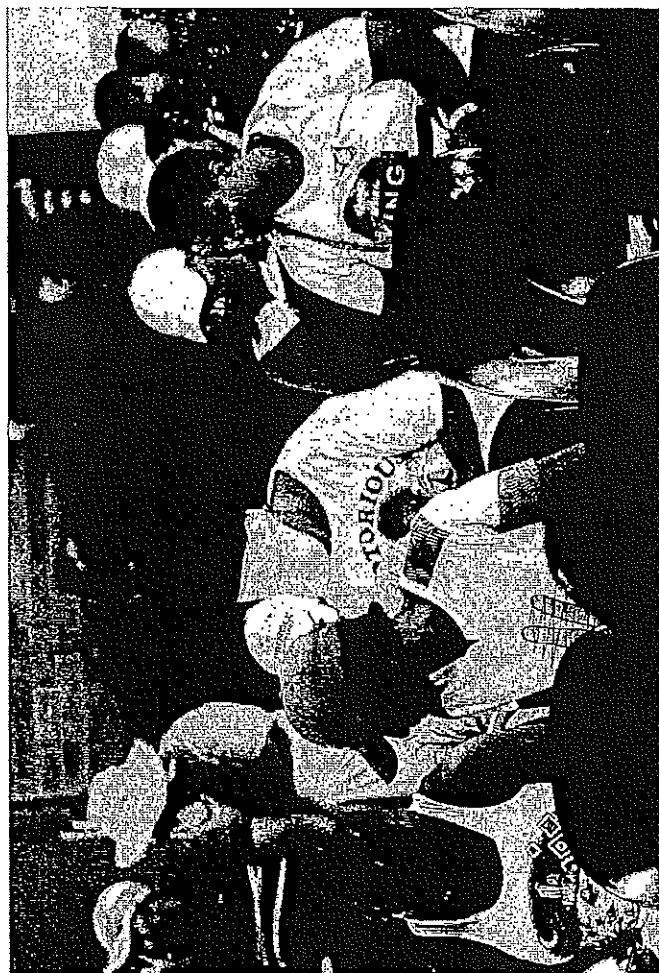
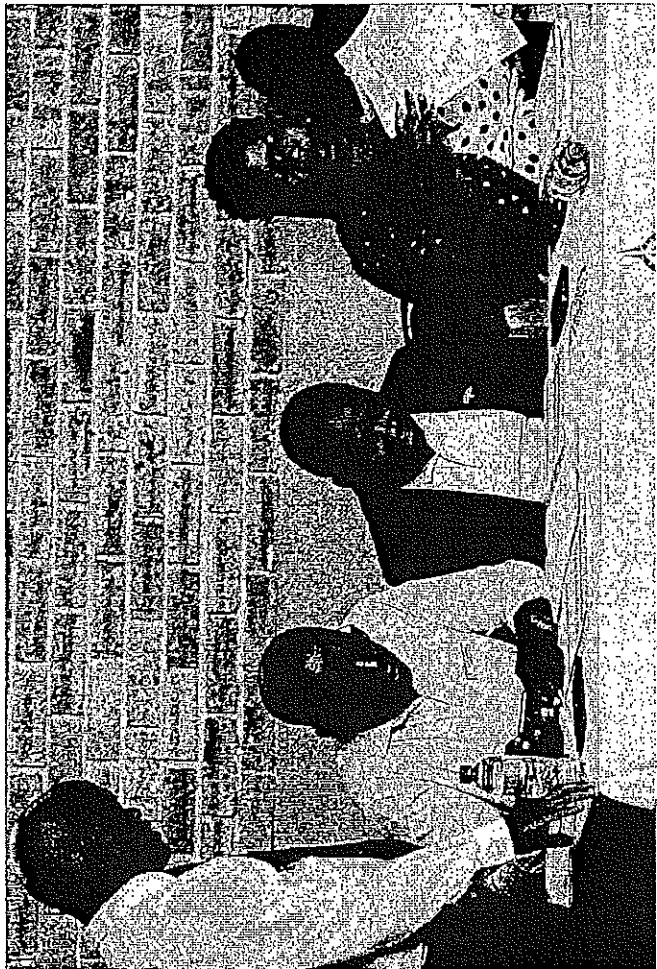


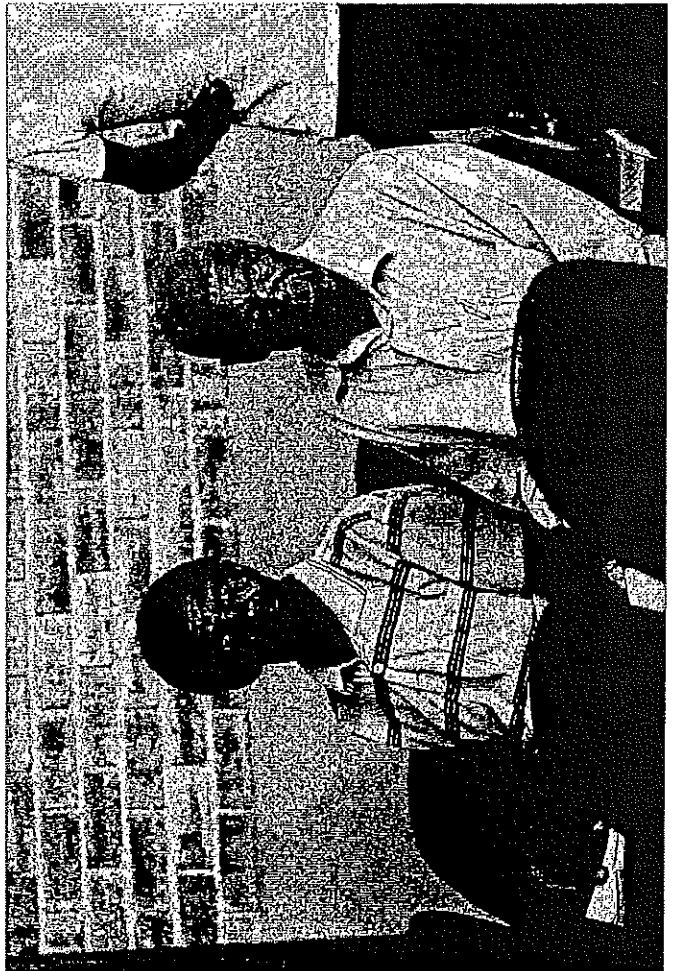
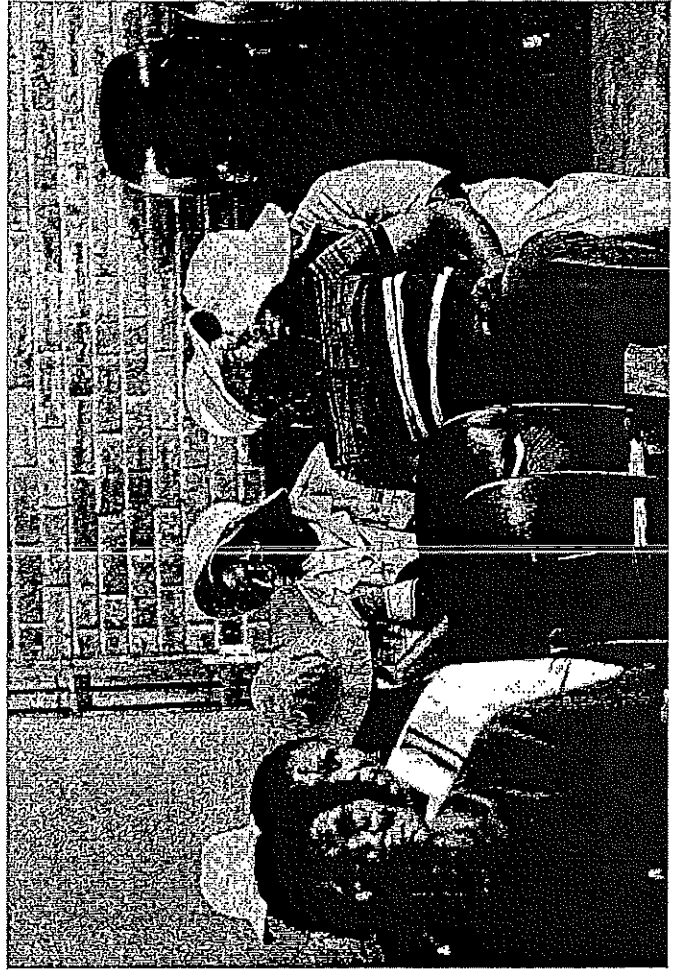
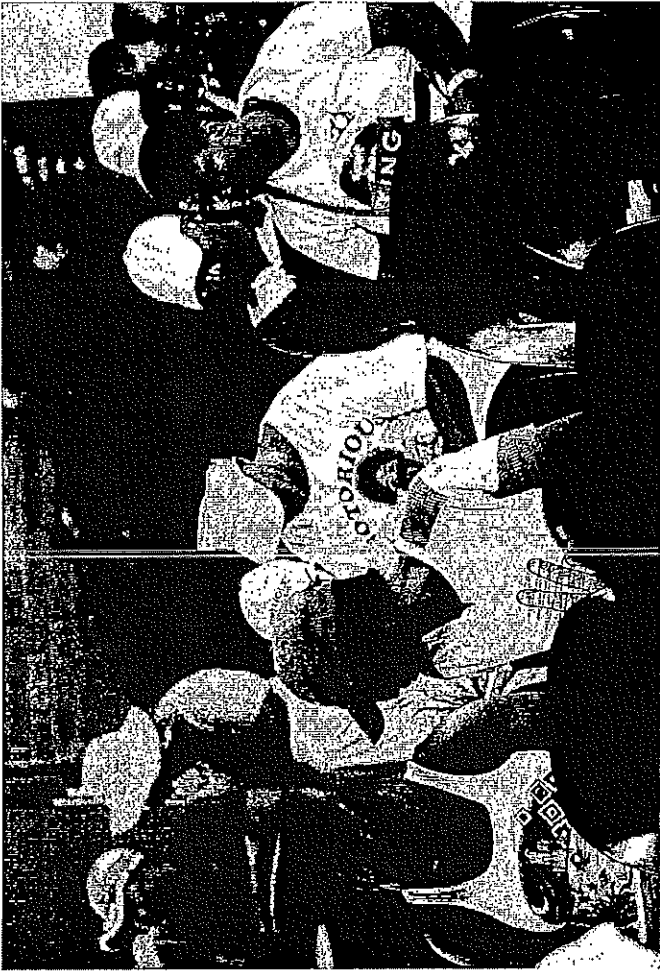




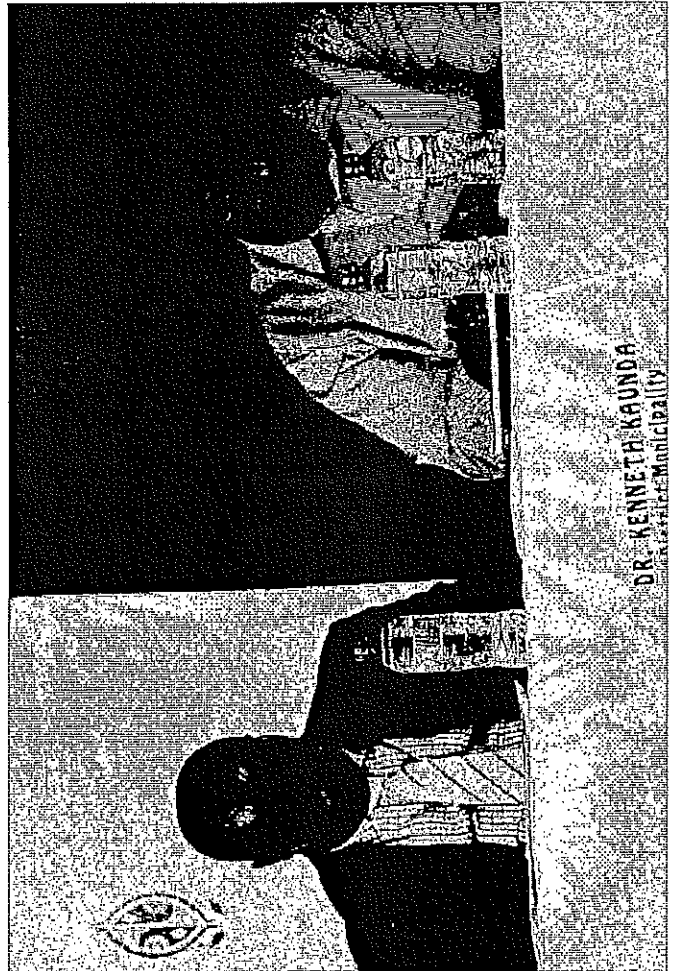
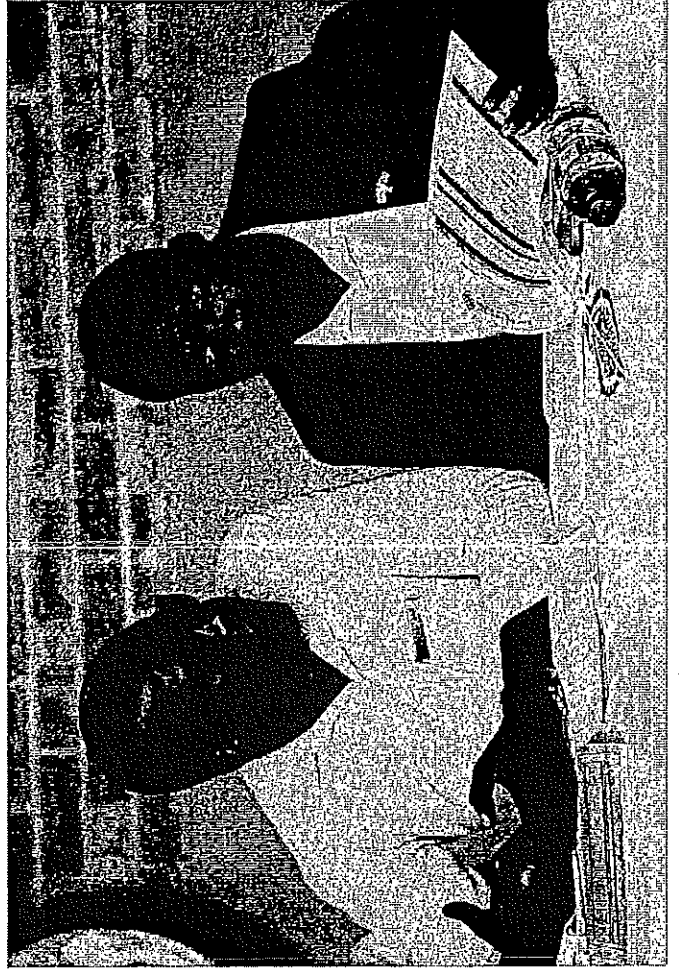


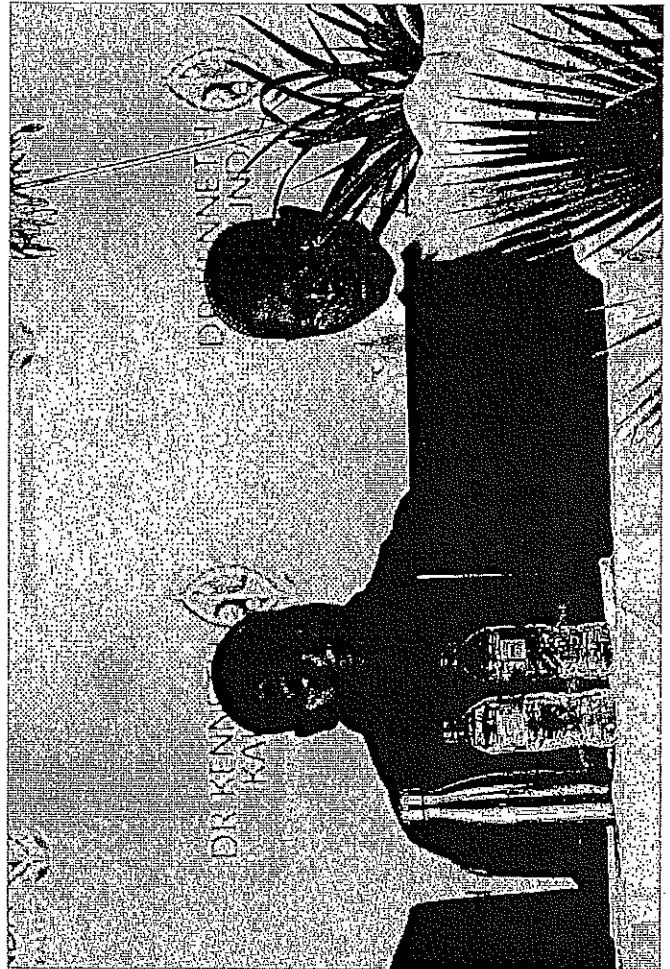
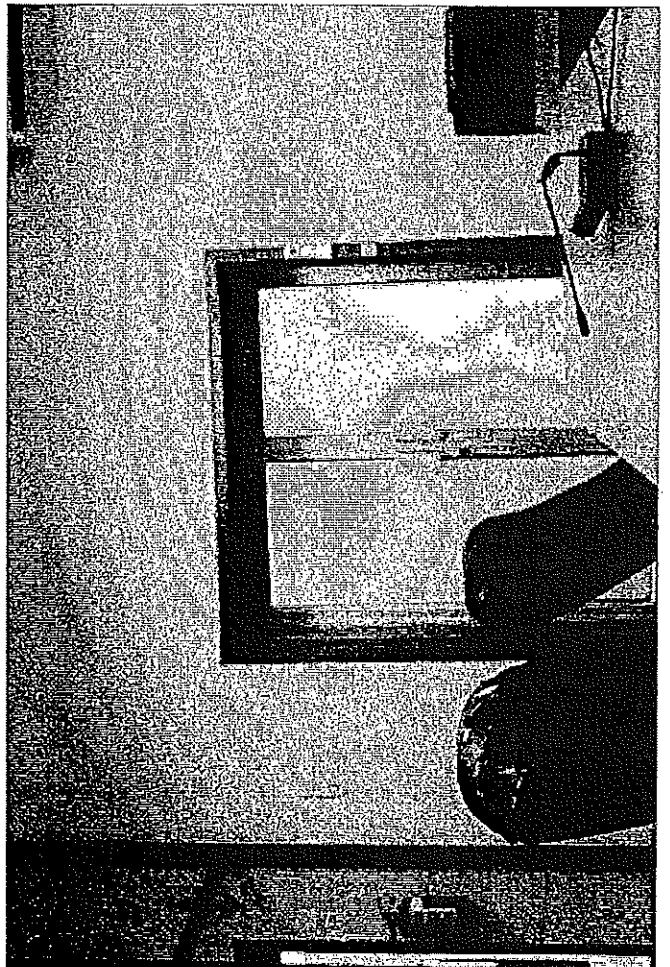
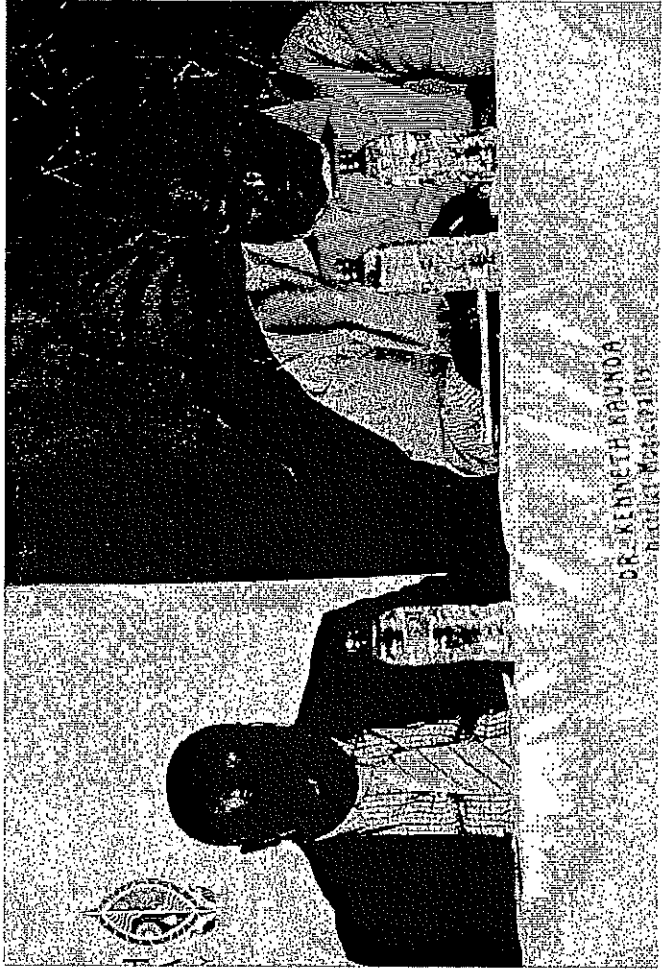


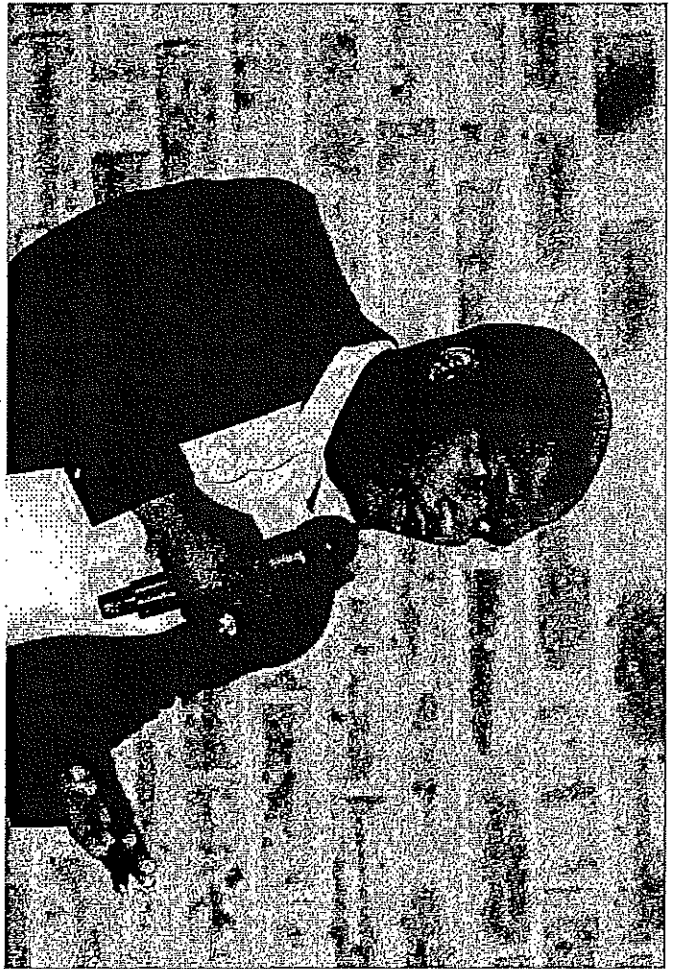
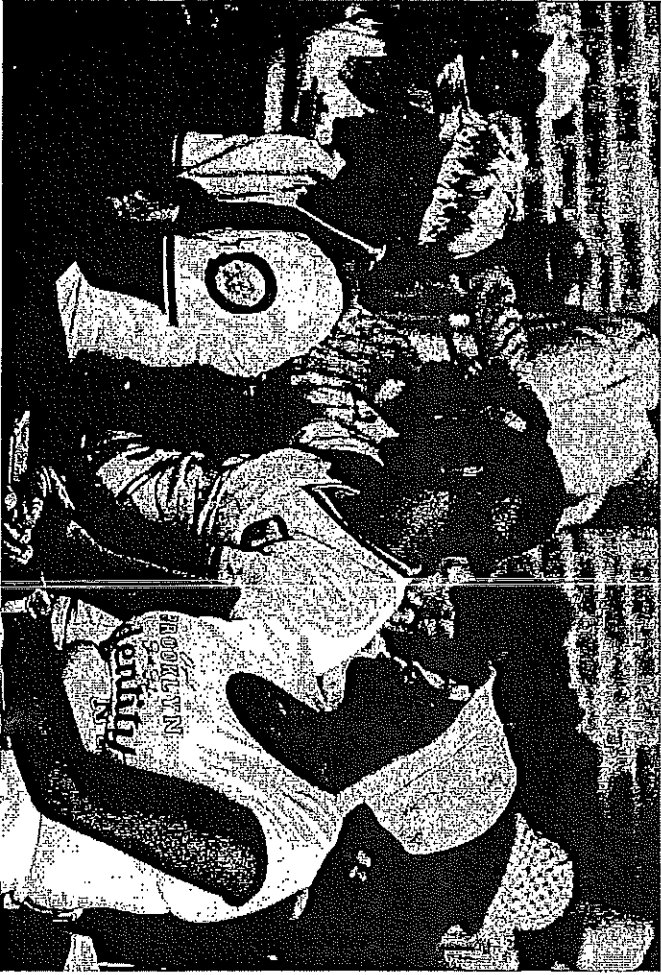


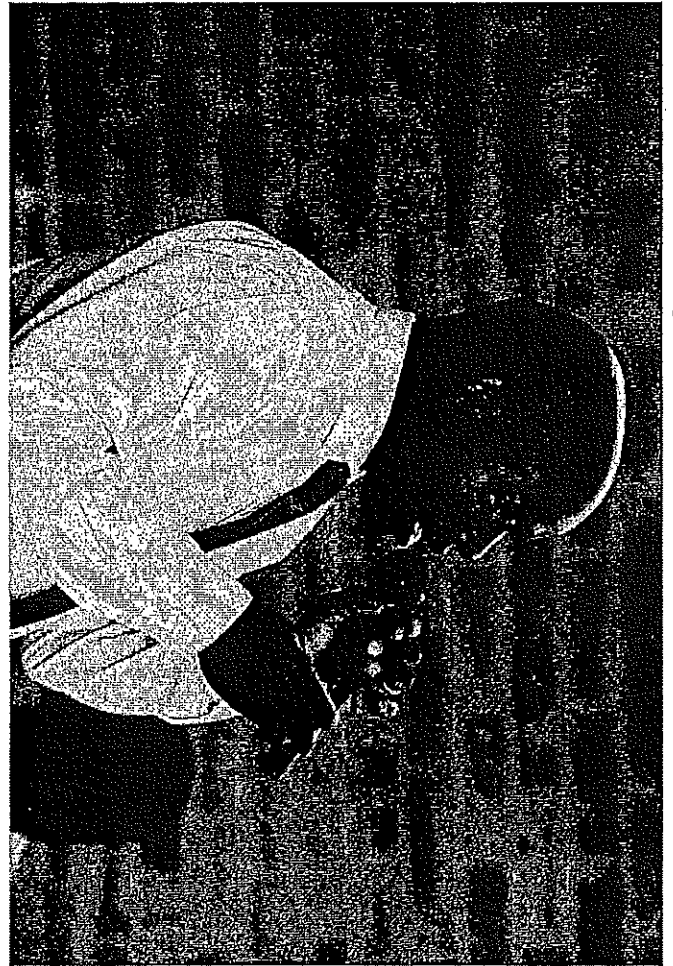
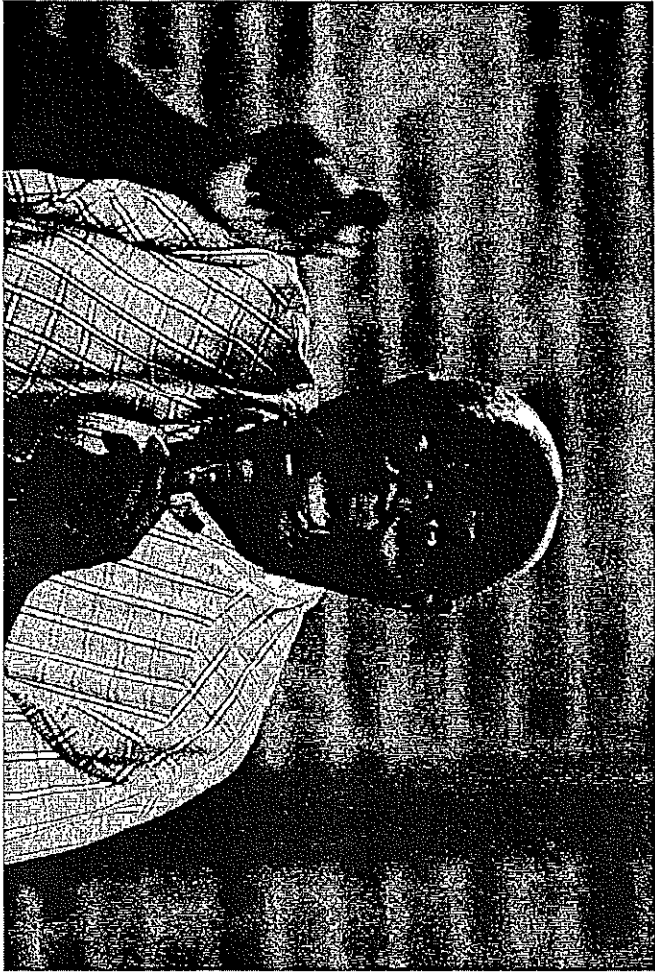




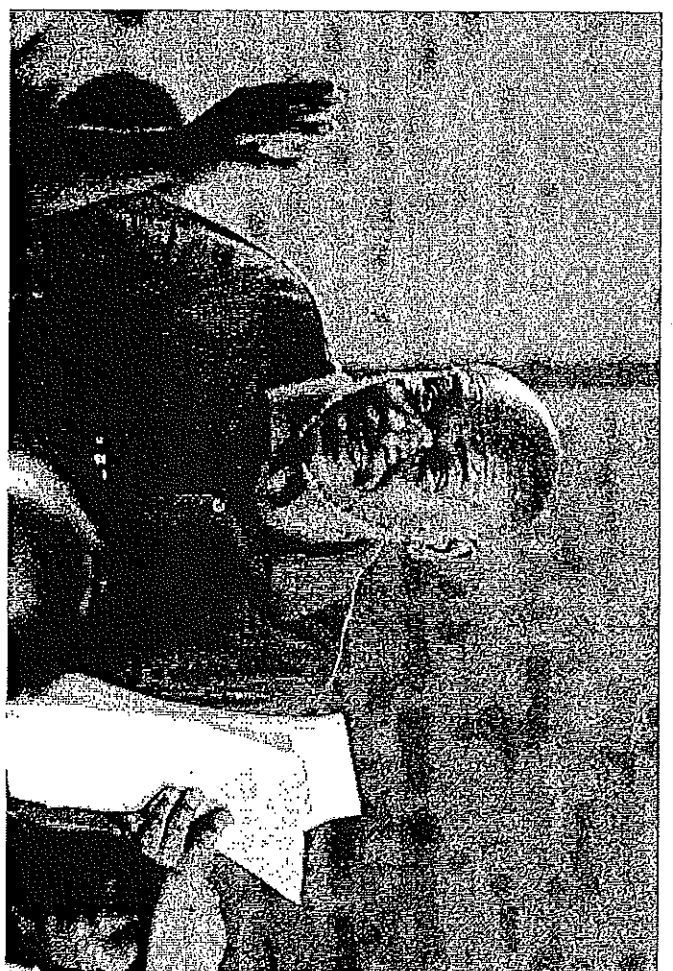
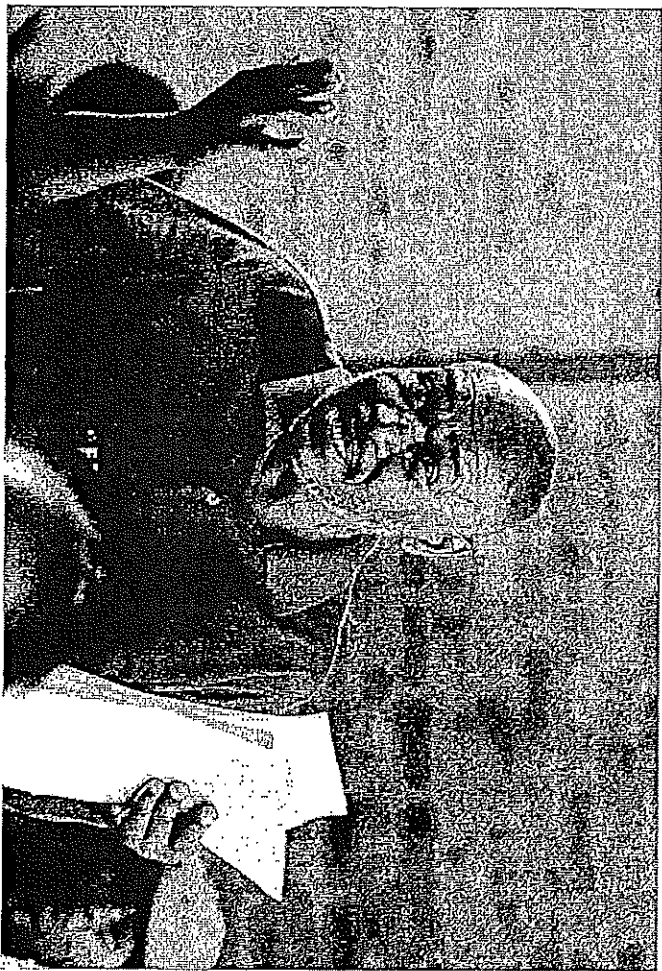


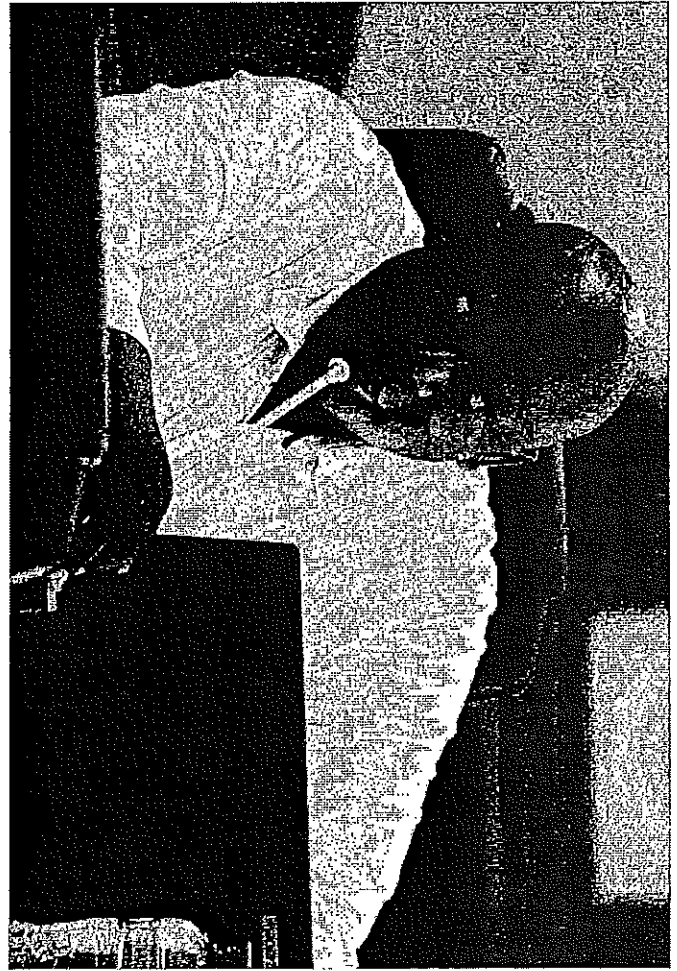
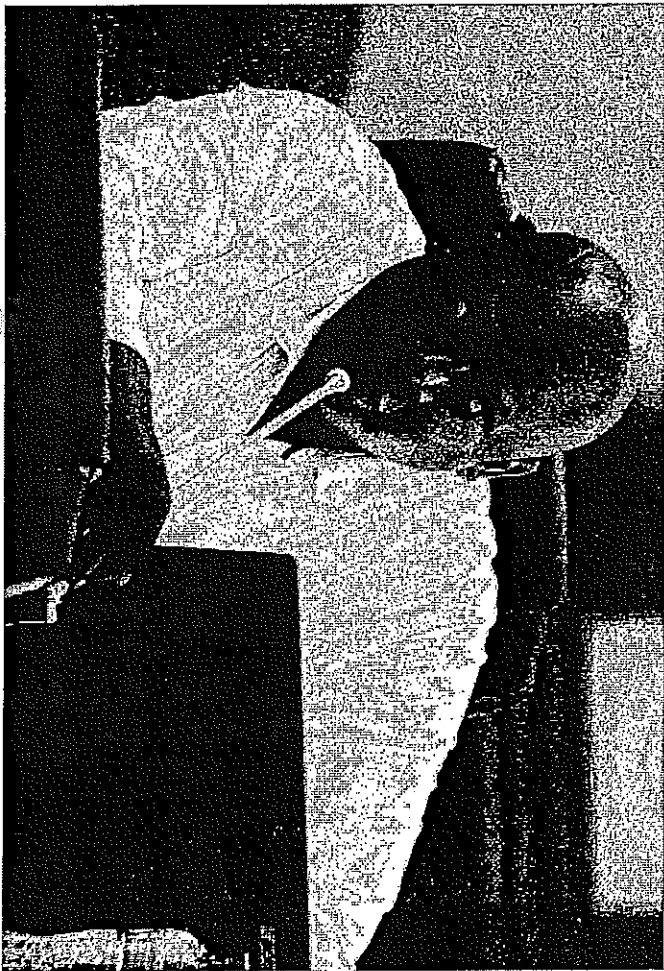
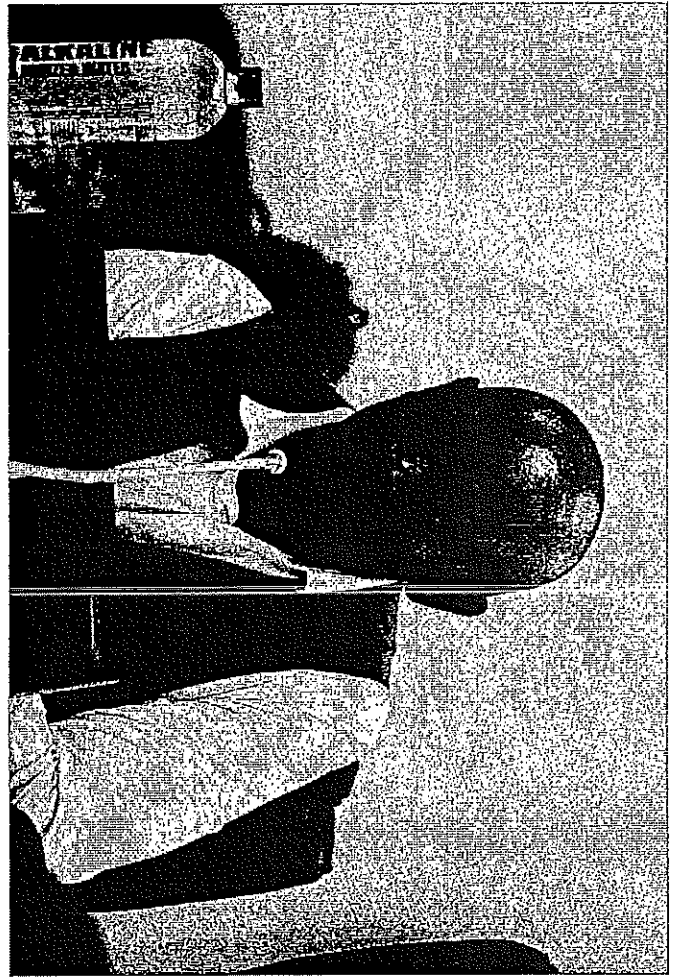
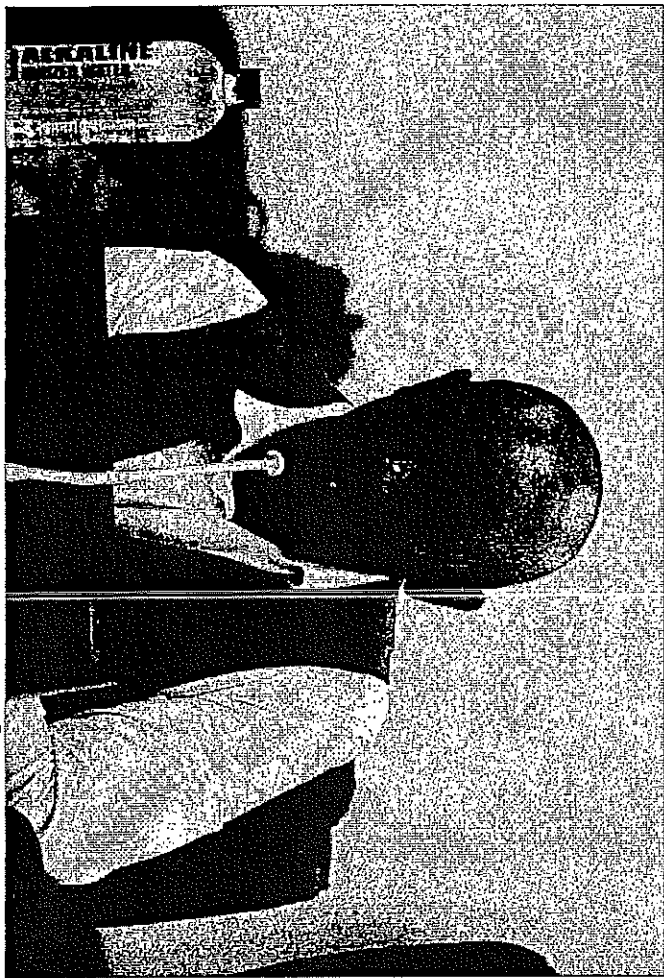


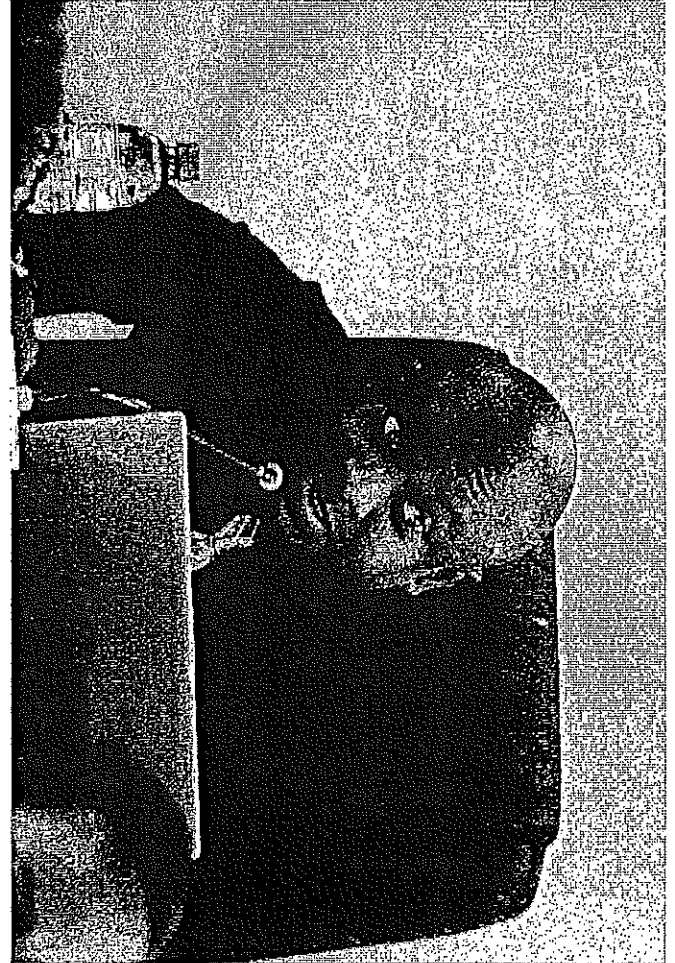
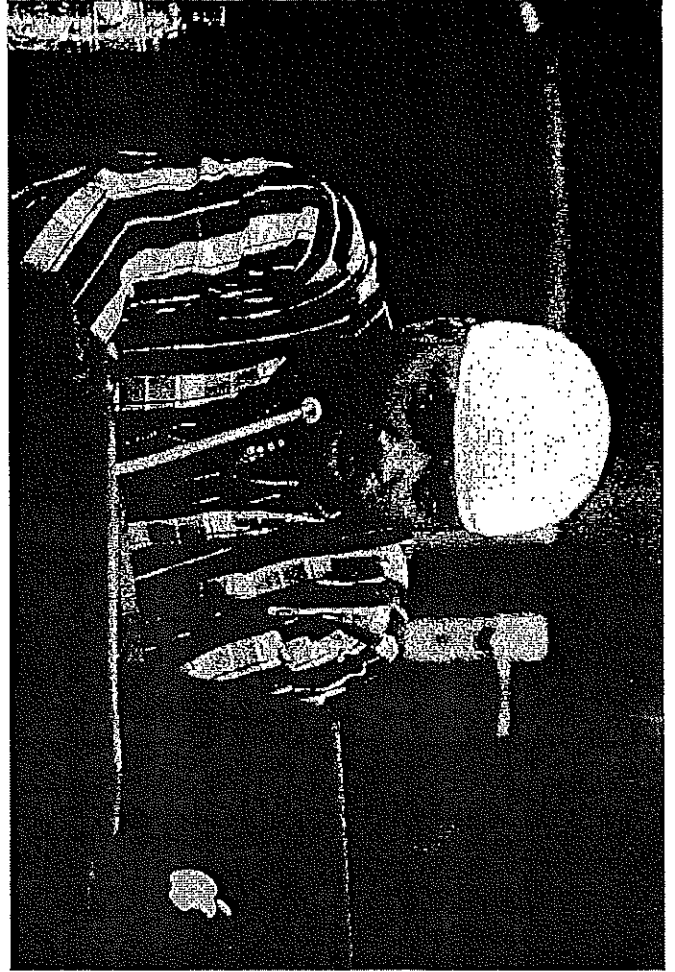
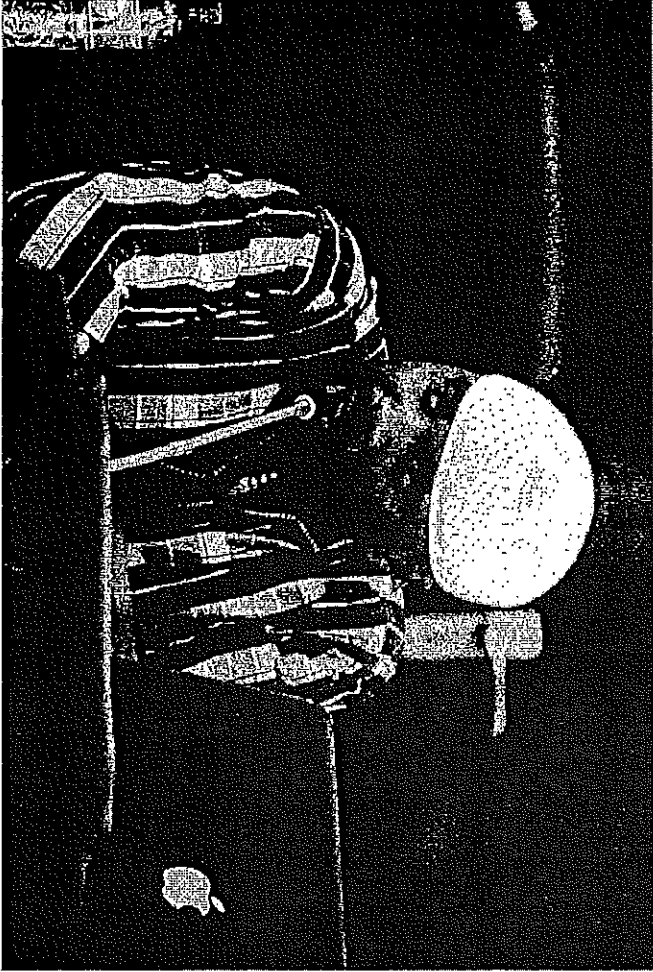


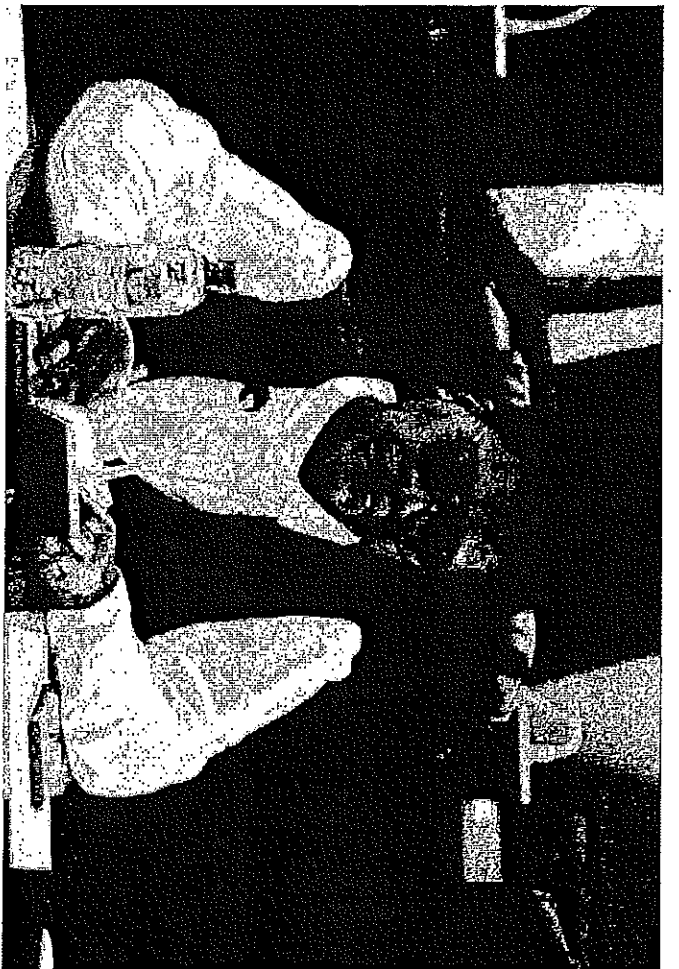
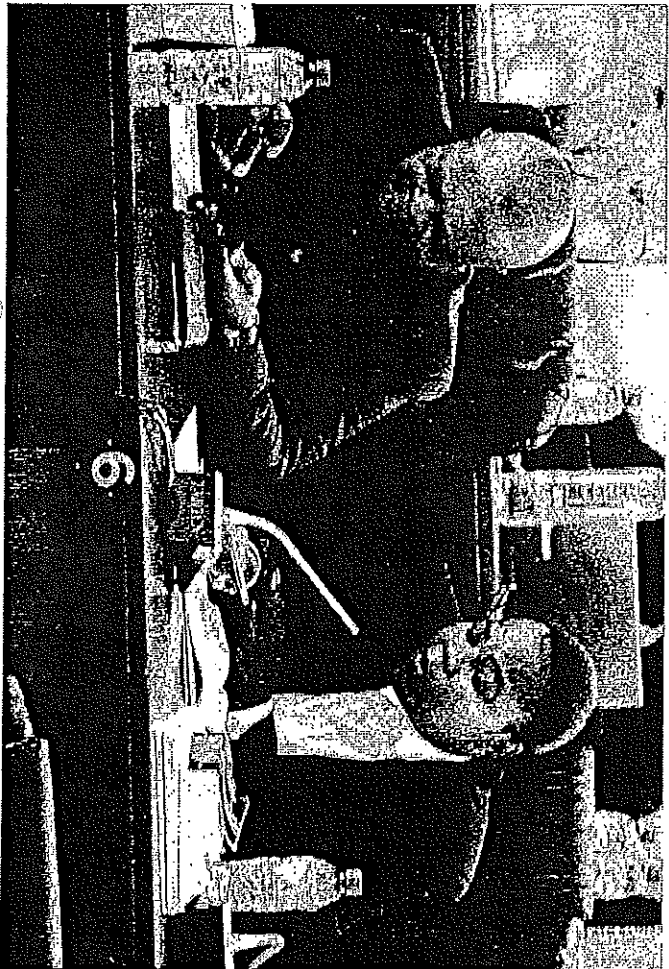
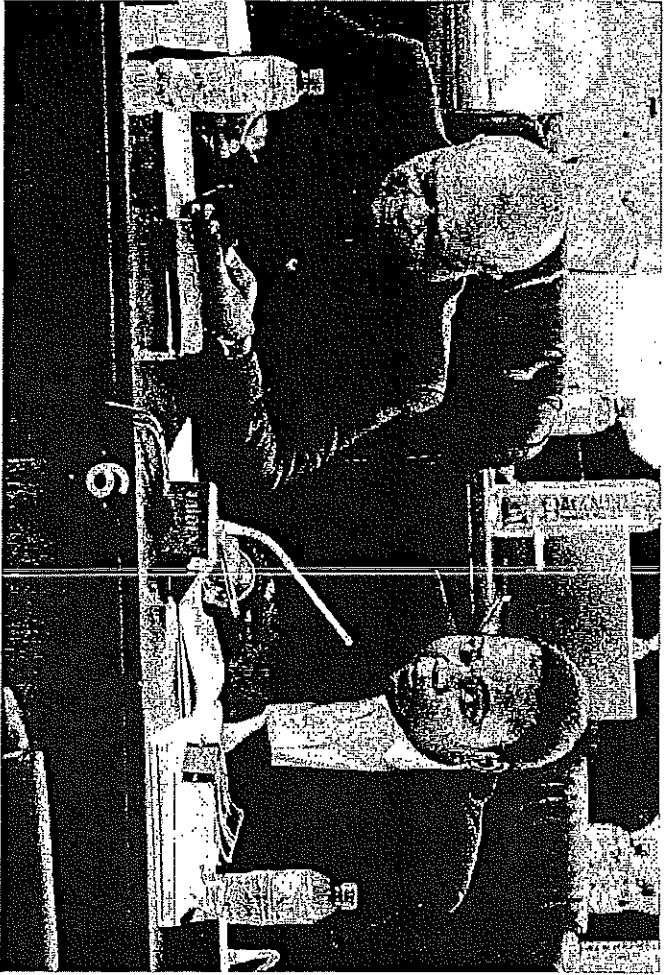




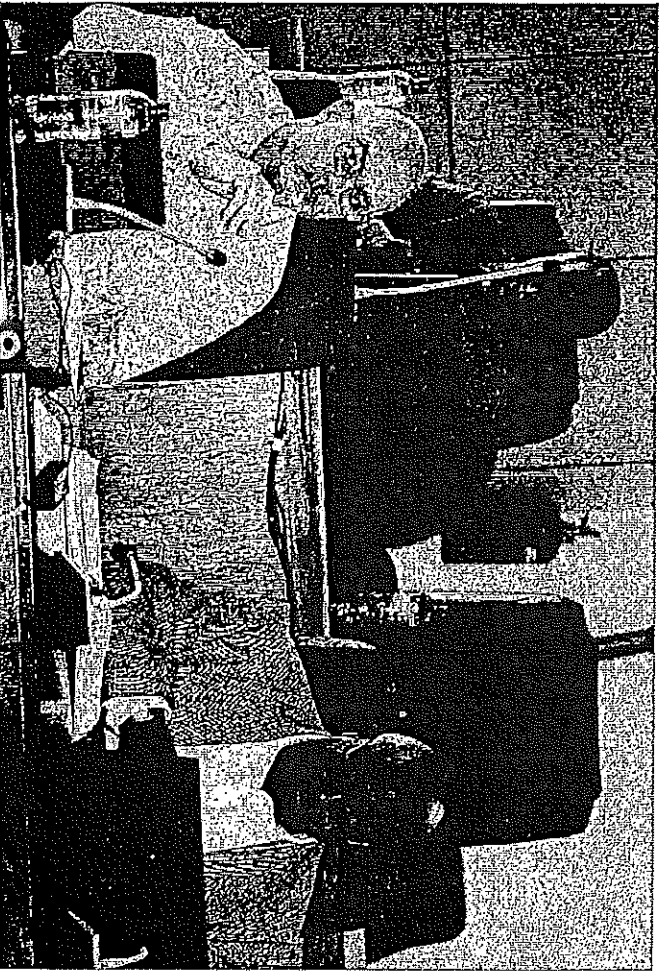
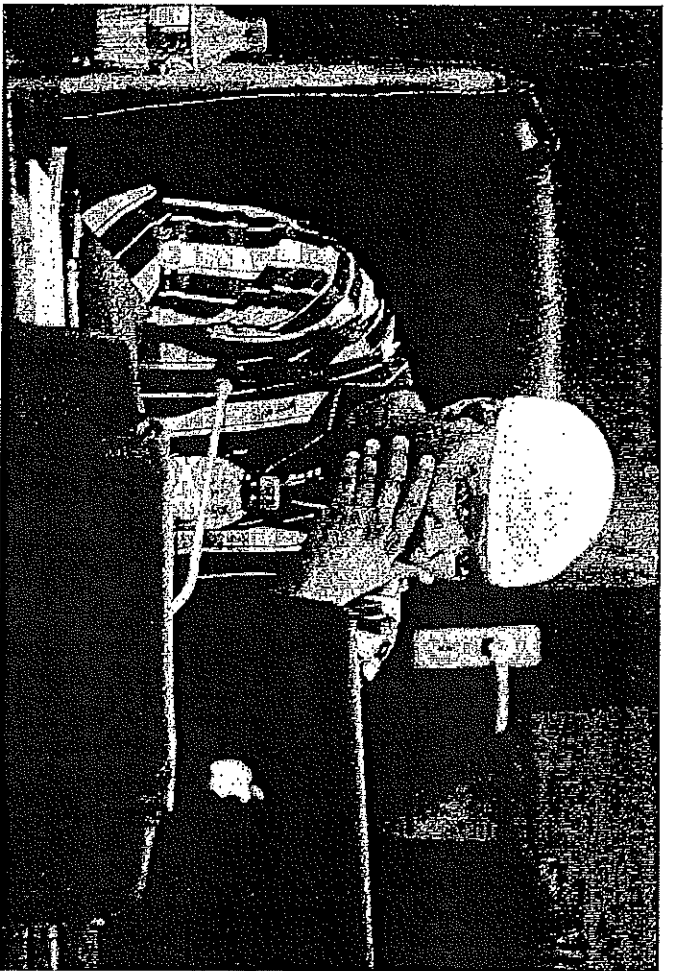
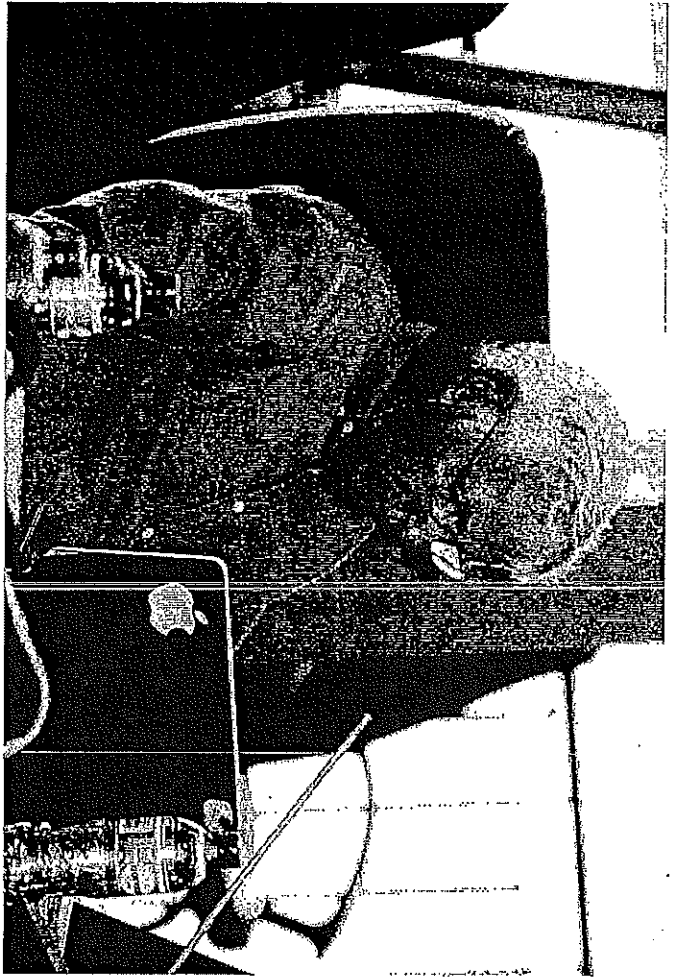


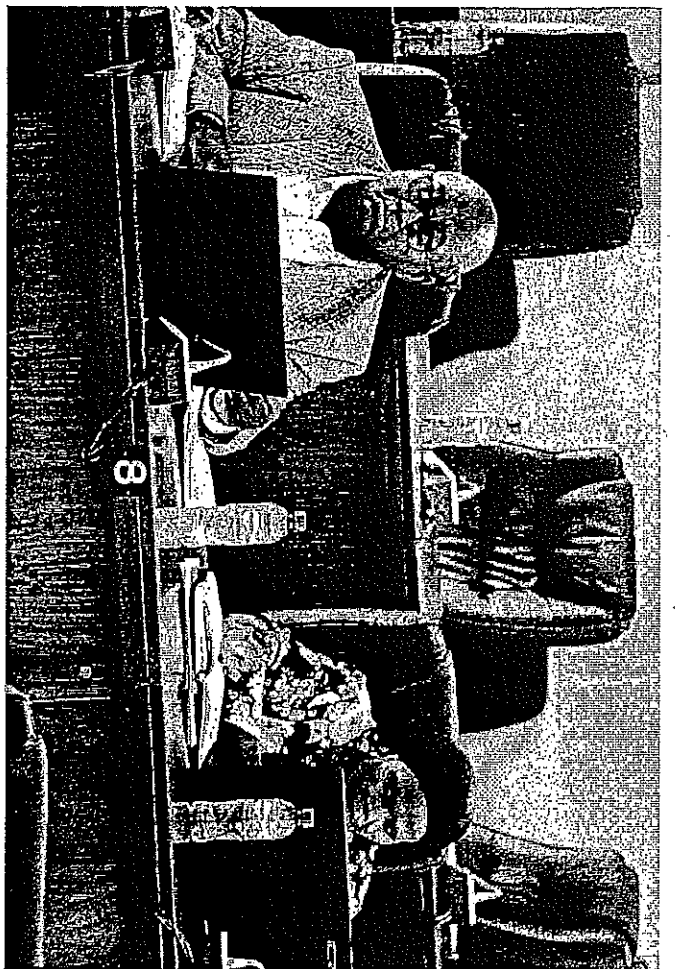
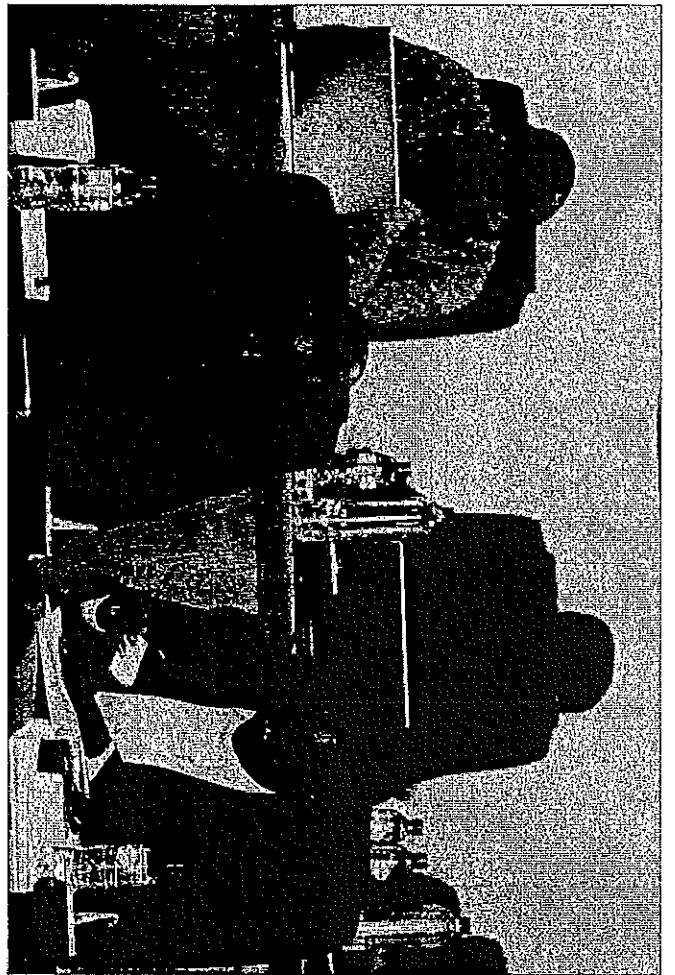
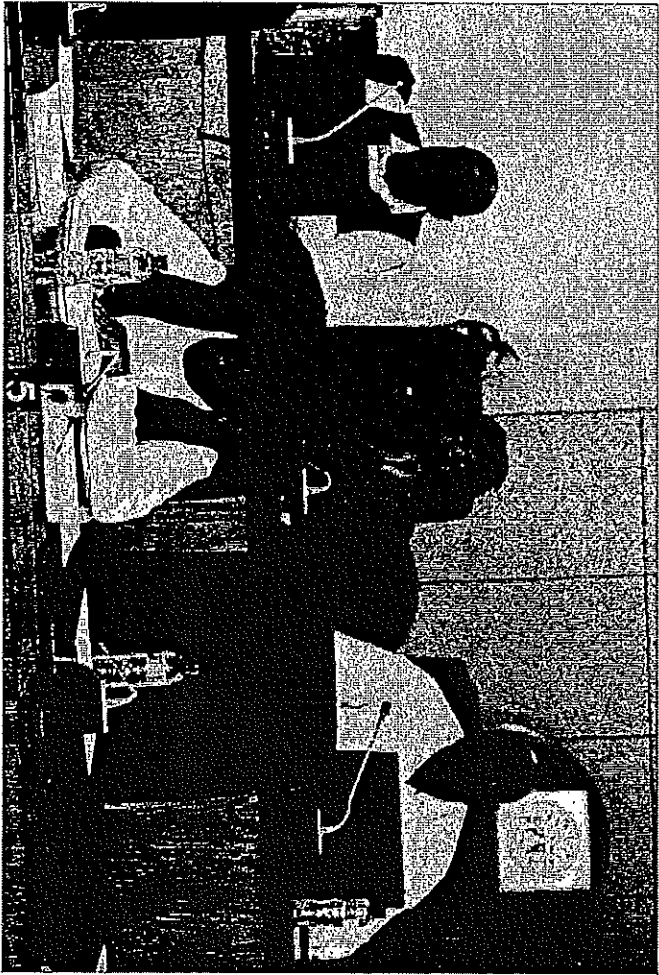


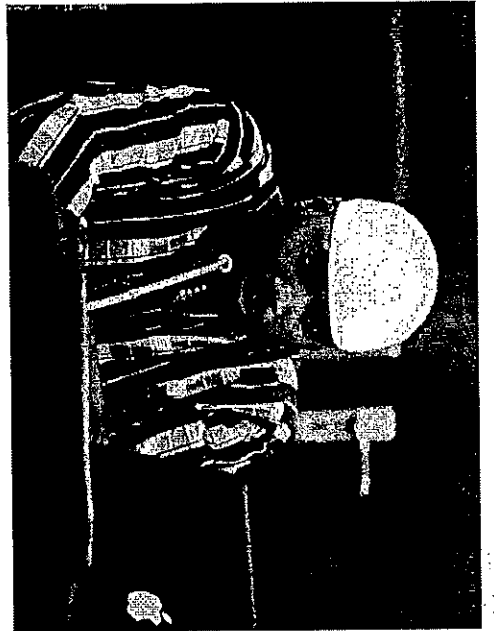
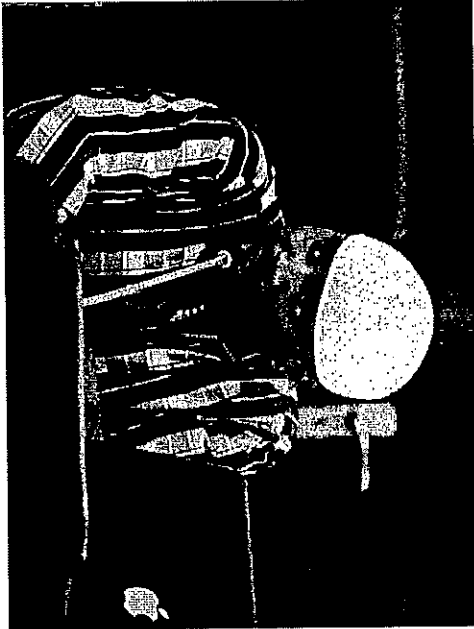


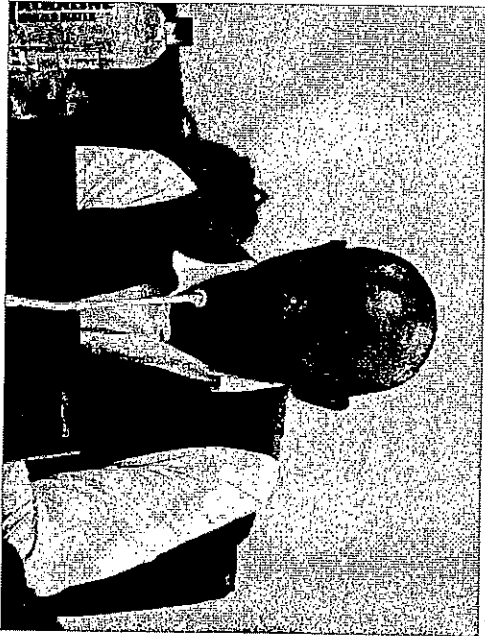




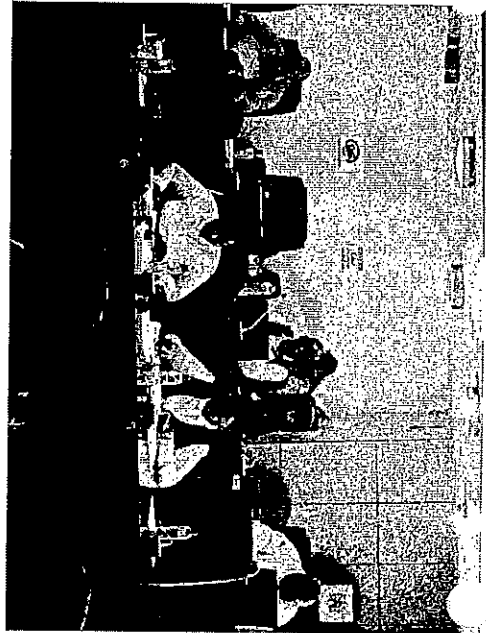
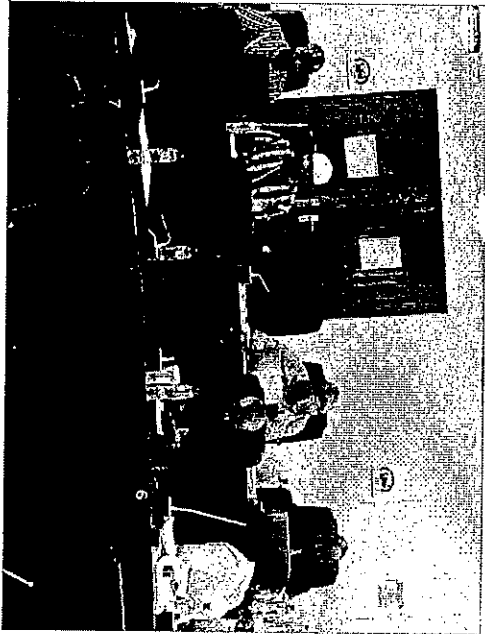
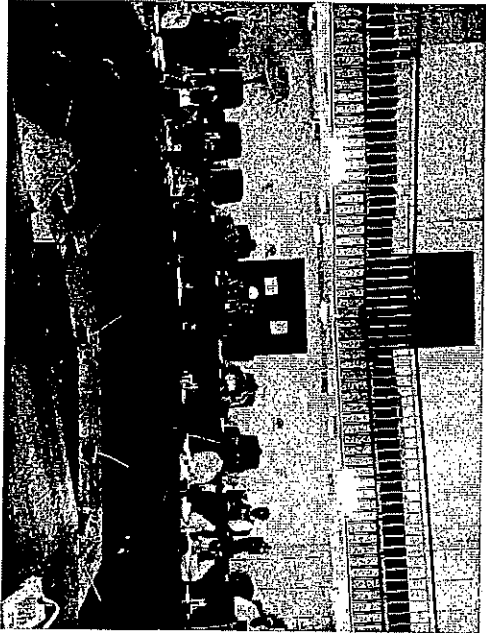


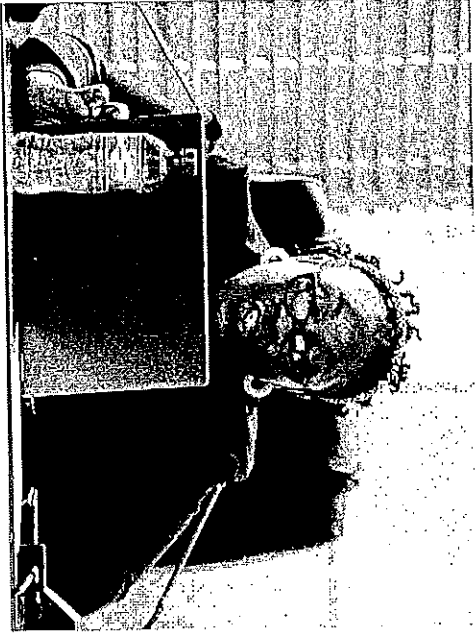
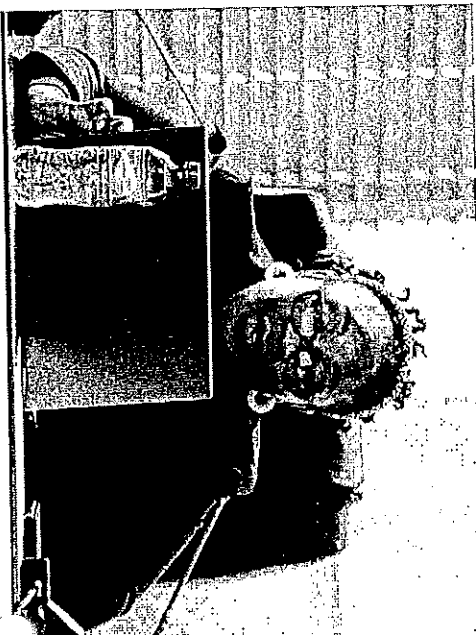






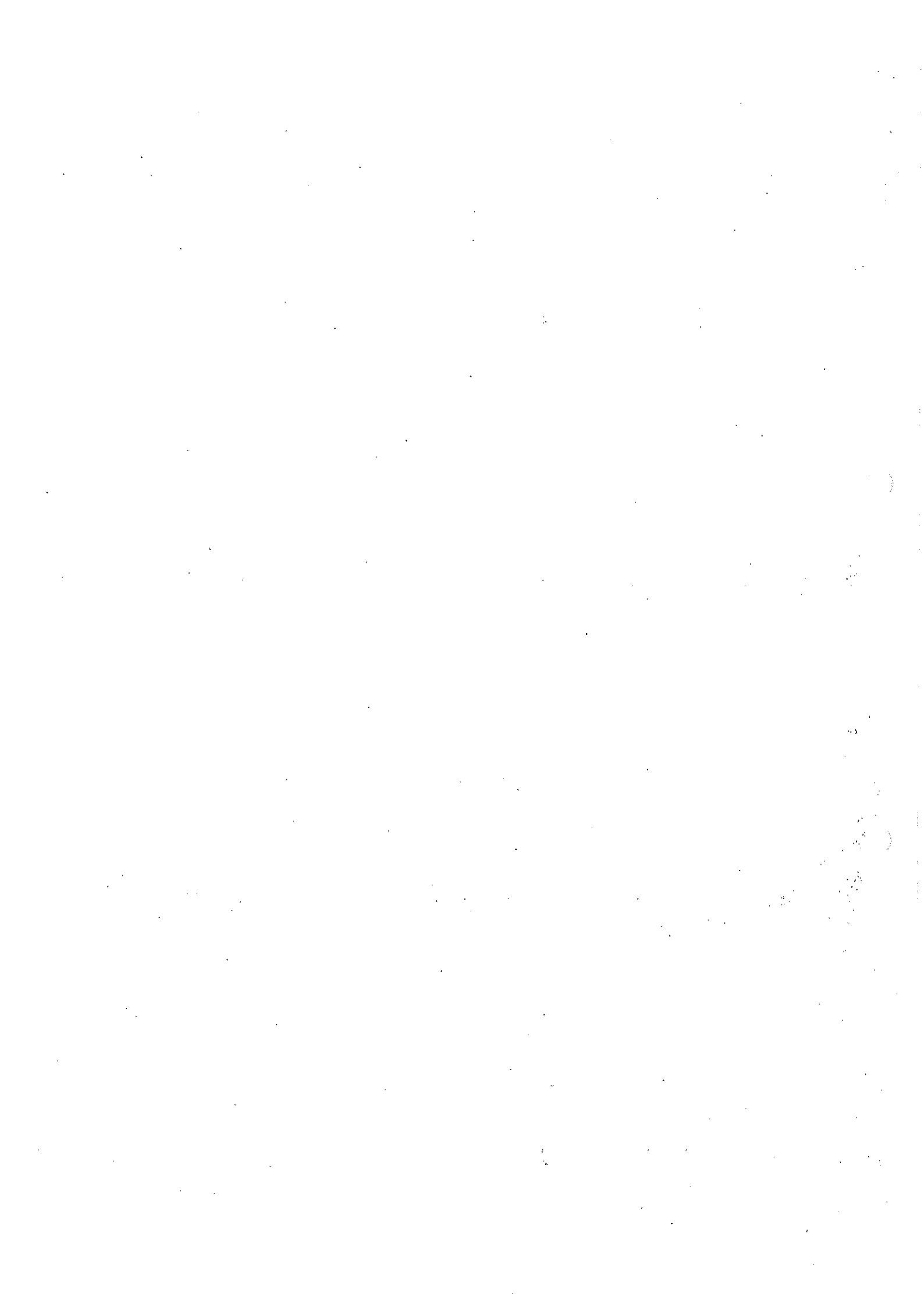






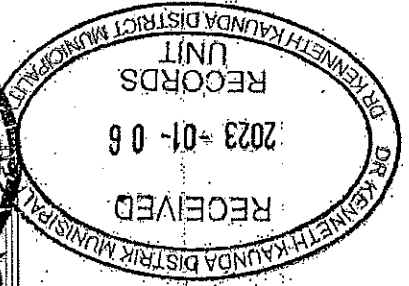


MPAC OTHER ITEMS



O.M.M

OFFICE OF THE
MUNICIPAL MANAGER



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Website: www.kaundadistrict.gov.za, email: mnsecretary@kaundadistrict.gov.za, Civic Center, Patmore Road,
Orkney, 2620

TO : CHIEF FINANCIAL OFFICER
: MANAGER MUNICIPAL PUBLIC ACCOUNTS COMMITTEE
CC : SENIOR MANAGERS
: MANAGERS/ACTING MANAGERS
CC : EXECUTIVE MAYOR
CC : CHAIRPERSON MUNICIPAL PUBLIC ACCOUNTS COMMITTEE
FROM: MUNICIPAL MANAGER
DATE : FRIDAY, 06TH JANUARY 2023

IMPLEMENTATION OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE UIF&WE REPORT

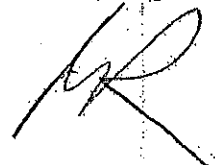
At the Special Municipal Council meeting held on Thursday, 01st December 2022 it was resolved in **ITEM A.278/11/2022** as follows:

NO.	PROCURED	RESOLUTIONS	LIABLE
1.	Ducharme Consulting preparation of the 2016/2017 Annual Financial Statements.	1. Everything related to the preparation of Annual Financial Statements (AFS) should be done internally;	Municipal Manager – Ms. S Lesupi; and Chief Financial Officer – Jerry Mononela.

		<p>2. The MPAC recommends recovery; and</p> <p>3. Employment contract for all Budget and Treasury Office (B.T.O) officials responsible for preparation of AFS must be used to effect consequence management.</p>	
2.	Extension of short-term insurance Wednesday, 01 st November 2017 amount R377 100,00.	1. Further investigation needed.	<p>Municipal Manager – Ms. S Lesupi; and</p> <p>Chief Financial Officer – Jerry Mononela.</p>
3.	<p>Motlo Mabe Trading</p> <p>Municipal Council resolved to write-off in terms of ITEM A.18/05/2020 and write-off amount of R3 750.</p>	<p>1. Municipal Council resolved to write-off an amount of R3 750 in terms of ITEM A.18/05/202.</p>	<p>Municipal Manager – Mokgathe J. Rathogo;</p> <p>Chief Financial Officer – Lucky Steenkamp;</p> <p>Chief Audit Executive – Sthe Mtemekwane;</p> <p>and</p>



			Deputy Chief Financial Officer Expenditure – Tshepang Ngqobe.
4.	Printing Annual Reports: Dr Kenneth Kaunda District Municipality Economic Development Agency Thursday, 14 th December 2017. Arnold & Wessels: R113 749,20.	1 Consequence management is recommended for the responsible officials for transgression legislation; and 2 Still under investigation by the MPAC.	Municipal Manager – Ms. S Lesupi; Acting Chief Financial Officer – Molliere Daffue; Deputy Chief Financial Officer SCM – Ms. Jeanne-Marie Brown; and Manager PMS – Ms. Lesego Mokgoje.
5.	Internal Audit.	1 The internal audit unit to perform probity audit during the stages of supply chain management bid committees' processes; and 2. The above-mentioned exercise by the Internal Audit be	Municipal Manager – Mookgathe J. Rathogo; Chief Financial Officer – Lucky Steenkamp; Chief Audit Executive – Sthe Mtemekwane; and



		done in an effective and efficient manner to avoid/limit delays in the SCM processes.	Deputy Chief Financial Officer SCM – Ms Jeanne-Marie Brown.
NO.	PROCURED	RESOLUTIONS	LIABLE
6.	Purchasing of Shoprite Checkers Vouchers for 210 Employees Wednesday, 14 th December 2016 Shoprite Checkers: R105 000,00	1 The money should be recovered from the person liable; and 2 There should be consequence management on the person responsible for transgression.	Municipal Manager – Ms. M Matthews; Chief Financial Officer – Jerry Mononela; and Senior Manager Corporate Support Services and ICT – Lebu Ralekgetho.
7.	Procurement of laptops desktops Thursday, 12 th May 2016. Ronmar: R398 175,80.	1. Still under investigation because the committee needs to check if fair price was sourced.	Municipal Manager – Ms. M Matthews; Chief Financial Officer – Jerry Mononela; and Acting Manager Communication and Technology ICT – Mphuthi.
8.	Multi-Choice DSTV Six (6) Months Fees Thursday, 10 th August 2017.	1 The beneficiaries to pay for their	Acting Municipal Manager – Chanda;

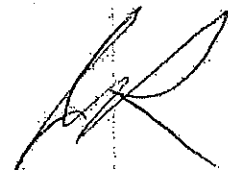


	Multi-Choice: R7 461,49.	<p>own monthly subscriptions; and</p> <p>2. The amount of R7 461,49 is to be written-off in terms of the Municipal Council ITEM A.18/05/2020.</p>	<p>Chief Financial Officer – Jerry Mononela;</p> <p>Deputy Chief Financial Officer – Molliere Daffue; and</p> <p>Deputy Chief Financial Officer SCM – Ms Jeanne-Marie Brown.</p>
9.	<p>Screening of shortlisted candidates Monday, 09th April 2018.</p> <p>IFACTS (Pty) Ltd: R7 199,00.</p>	<p>1. Write off the amount of R7 199,00;</p> <p>2. South African Local Government Association (SALGA) services should be utilised in the future; and</p> <p>3. Timeous requests should be done to accommodate slow responses on call to give quotations as this will ensure irregular</p>	<p>Municipal Manager – Ms Shirley Lesupl</p> <p>Chief Financial Officer – Jerry Mononela.</p>



		payments are avoided.	
10.	Alderman Event Thursday, 09 th June 2016. Rio Hotel Casino; R18 000,00.	1. For further investigation as the MPAC needs additional information on the additional expenditures incurred.	Municipal Manager – Ms. M Matthews; Chief Financial Officer – Jerry Mononela; and Senior Manager Corporate Support Services and ICT – Lebu Ralekgetho.
NO.	PROCURED	RESOLUTIONS	LIABLE
11.	Breakfast for the Executive Mayor Women's Month Wednesday, 31 st August 2016. Rio Hotel: R26 500,00	Recommended for recovery in terms of MFMA Section 32(2)(a)(ii); and Consequence management must be implemented to the persons liable. The MPAC recommends recovery.	Municipal Manager – Ms. M Matthews; Chief Financial Officer – Jerry Mononela; and Chief of Staff – Zandi Mowell.
12.	Lunch for induction programme of two-hundred (200) Councillors at Rio Hotel 2016/2017. Rio Hotel: R20 000,00.	Further investigation needed.	Municipal Manager – Ms. M Matthews; Senior Manager Corporate Support Services

			and ICT – Lebu Ralekgetho; Acting Chief Financial Officer – Ms. Jeanne-Marie Brown; and Manager in the Office of the Speaker – Ms. Rosy Thabanchu.
13.	Gift vouchers for Nine (9) Alderman, Game Store: R45 000, 00.	1 Amount recommended for recovery; and 2 Consequence management for the person liable transgression.	Municipal Manager – Ms. M Matthews; Chief Financial Officer – Jerry Mononela; and Senior Manager Corporate Support Service and ICT – Lebu Ralekgetho.
NO.	PROCURED	RESOLUTIONS	LIABLE
14.	Renewal of Teammate Eight (8) Licenses and Annual Maintenance Friday, 26 th January 2018. Wolters: Kluwer Tax and Accounting Firm: R11 508,90.	1. The software must be inclusive in the contract/SLA of licenses and maintenance during the acquisition phase;	Municipal Manager – Ms. S Lesupi; Acting Chief Financial Officer – Molliere Daffue; and



		<p>2. The amount is recommended for a write-off in terms of MFMA Section 32 (2)(b);</p> <p>3. The reasons for the deviation should be outlined. be line ITEM and the municipality may not continue to give blanket reasons for deviations; and</p> <p>4. Municipal Manager to check and ensure the functionality of the system.</p>	<p>Manager Internal Audit – Ms. R Seremo.</p>
NO.	PROCURED	RESOLUTIONS	LIABLE
15.	<p>Transport of sixty (60) people to Cape Town dance competition Friday, 27th November 2015.</p> <p>Southern Ambition: R75 000,00.</p>	<p>1 Recommended for recovery in terms of MFMA Section 32(2)(a)(ii); and</p> <p>2 Consequence management must be implemented to</p>	<p>Municipal Manager – Ms. M Matthews;</p> <p>Chief Financial Officer – Jerry Mononela; and</p> <p>Manager Communications</p>

		the persons liable.	– Ms. Wendy Sokhupha.
16.	Upgrade of electricity stand 21118 Extension 13 Kanana Township, City of Matlosana. Eskom: R25 758,43.	<ol style="list-style-type: none"> 1 Further investigation needed; 2 Policy of the Department of Economic Development (DED) required that informed assistance; and 3 MPAC to visit the site for loco inspection. 	<p>Municipal Manager – Ms. M Matthews;</p> <p>Chief Financial Officer – Jerry Mononela; and</p> <p>Senior Manager Economic Development – Makgetha.</p>
17.	ESRI South Africa: R1 195 478,10.	<ol style="list-style-type: none"> 1 Further investigation to ensue to check the sole mandate; and 2 MPAC to check and verify the functionality of the system. 	<p>Acting Municipal Manager – Chanda;</p> <p>Chief Financial Officer – Jerry Mononela; and</p> <p>Acting Director Technical Services – Kgabo Tshukudu.</p>
18.	Supply and delivery of forty-five (45) sets of building materials for bottom structure VIP toilets 2016.	<ol style="list-style-type: none"> 1. MPAC to make further investigations; and 	<p>Municipal Manager – Ms. M Matthews;</p>



	Druvern Trading Enterprise: R93 450,00.	2. Consequence management recommended.	Chief Financial Officer – Jerry Mononela; and Manager Technical Services – Kgabo Tshukudu.
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The Office of the Municipal Manager appreciates the report submitted to the Municipal Council on Thursday, 24th November 2022 in terms of the ITEM A:278/11/2022. The Municipal Manager will appreciate the consideration of other matters in a principle approach to ease accelerated implementation by the administration.

1. The preparation of the 2016/2017 Annual Financial Statements by Ducharme Consulting should consider the principle of "cost over benefit" for any possible recovery including the implementation of consequence management. The employees that led to the appointment of the service provider are no longer with the municipality and prescription expired in the financial year 2019/2020. The Municipal Public Accounts Committee to consider write-off.
2. The short-term insurance took place in November 2017 for an amount of R377 100. The Local Government: Municipal Finance Management Act, No. 56 of 2003, Section 63 (a) requires the Accounting Officer/Municipal Manager to be responsible for the management of assets of the municipality including the safeguarding of those assets and maintenance thereof.

The staff members that were employed when this short-term insurance took place are no longer employed by the municipality and prescribed period for consideration of recovery expired on October/November 2020. The principle of "cost over benefit" should be favourably considered including impractical consequence management process.



3. Write-off amount of R3 750 of Catering in Tigané (City of Matlosana) during unrest intervention by the Dr Kenneth Kaunda District Municipality in terms of ITEM A,18/05/2020.

4. Amount of Arnold and Wessels of R113 749,20 incurred on 14th November 2017 has reached the threshold of prescription on 13th November 2020 and should be considered favourably for write-off by the Municipal Council through submission by Municipal Public Accounts Committee (MPAC). The principle of "cost over benefit" be a determinant factor including non-practical implementation of selective consequence management of one employee still employed by the municipality.
The Accounting Officer/Municipal Manager institute steps to prevent recurrence of such expenditure (UIF&WE) with effect Friday,06th January 2023) and the amount to be recommended for write-off by the MPAC.

5. Municipal Manager and Chief Audit Executive (CAE) to engage the Audit and Risk Committee (ARC) as the Internal Audit Unit has planned internal audit approved register.
Ad-hoc audits such as probity of the reports of the Bid Evaluation Committee (BEC) prior consideration by the Bid Adjudication Committee (BAC) might impact on planned approved audit register.
The Accounting Officer/Municipal Manager institute steps to prevent recurrence of such expenditure (UIF&WE).

6. The gift vouchers for two-hundred and ten employees (210) to the amount of R105 000 by the then Senior Managers/Managers is not practically recoverable due to the principle of "cost over benefit" including the impracticability of consequence management. The prescription expired on 13th December 2019. MPAC should avoid leading to additional costs that might exceed R105 000 incurred and recommend write-off by the Municipal Council.

7. An amount of R398 175,80 incurred to acquire/purchase laptops on 12th May 2016 on laptops with a life-span of three (3) to five (5) years, should be considered by the MPAC as not recoverable and recommend write-off. The



municipality to identify those laptops and were possible consider auctioning and recovering some costs by selling them.

Employees that acquired/purchased those laptops are not employed by the municipality and prescription expired on 11th May 2019.

8. Write-off an amount of R7 461,49 on the DSTV Subscriptions and any future connections be carried by the incumbents.
9. Write-off an amount of R7 199,00 on IFACTS screening of the short-listed candidates.
10. Aldermen (councillors) event on 09th June 2016 led to cost implications of R18 000,00. The prescription period expired on 08th June 2019 and principle of "cost over benefit" to be a determinant factor for write-off recommendation by the MPAC. The Senior Managers/Managers that incurred the costs of R18 000,00 no longer employed by the municipality.
11. Breakfast for Women's Month in 2016 led to cost incurred for an amount of R26 500,00. The prescribed period expired on 30th August 2019 and principle of "cost over benefit" be a determinant factor for recommendation of write-off by the MPAC to the Municipal Council. Impractical to implement consequence management on employees that are no longer members of the staff.
12. Induction programmes lunch for the newly elected two-hundred members of the municipal councils which resulted in amount of R20 000,00 incurred for the 2016/2017 financial year. The amount prescribed to the end of 2019/2020 and as such will lead to the principle of "cost over benefit" kicking in and should be considered for write-off recommendation by the MPAC to the Municipal Council. Employees that authorised the costs are not employed by the municipality and this creates difficulties in the implementation of consequence management, however the Municipal Manager must institute steps to prevent/curb recurrence of these expenditure.
13. R45 000,00 incurred for gift vouchers towards nine (9) aldermen (Councillors) was incurred 2016 and has reached the prescription period in 2019 and hence



for the municipality to pursue the matter will create cost over benefit that can be avoided by the MPAC recommending a write-off to the Municipal Council. Employees that led to the UIF&WE register increase are not employed by the municipality and consequence management becomes impractical to implement.

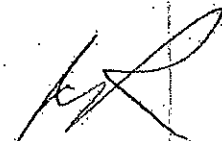
14. Amount of R11 508,90 was recommended for write-off on the teammate eight (8) licenses and maintenance. The poor planning should not be allowed to lead to the deviations that are unjustified.

15. An amount of R75 000,00 was incurred on 27th November 2015 for a dance-group to City of Cape Town. The prescription period expired on 26th November 2018 and the principle of "cost over benefit" should be a determinant factor for the MPAC to recommend write-off by the Municipal Council. The employees that incurred the costs are no longer employed by the municipality and consequence management will be impractical. Selective implementation of the employee still employed might create legal matters that can be avoided and instead focus on creating healthy conducive environment.

16. The amount of R22 758,43 was incurred to pay Eskom to upgrade electricity of household in Kanana. The Department of Local Economic Development (LED) and Planning to develop a policy on the possible consideration for an urgent community assistance on or before 31st March 2023 for submission to the Municipal Council for adoption/approval.

The MPAC to perform the inspection in loco and if satisfied, to recommend write-off and consequence management is impractical as those employees are no longer employed by the Dr Kenneth Kaunda DM.

17. MPAC to work with the Department LED & Planning on the ESRI Project that resulted in cost incurred for an amount of R1 195 478,10. The consequence management currently impossible as most staff members are no longer with the municipality and this matter has been referred for further investigation to can even consider consequence management without raising legal matters on being selective.



18. The R93 450,00 paid for the ablution facilities is under investigation and as such consequence management is a recommendation that is not implementable due to further investigation., it will be like putting the cart before horse.

The Local Government: Municipal Finance Management Act, No 56 of 2003, (MFMA) Section 32(4)(c) focuses on the steps to recover or rectify such expenditure, including prevention of a recurrence of such expenditure. The MFMA Section 170 on Departures from treasury regulations or conditions on approval of departures does not limit the municipalities from performing the acquisition of goods and services through the Local Government: Municipal Supply Chain Management Regulations 22(2) and 36.

Regards,



MOKGATLHE J. RATLHOGO

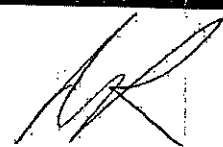
MUNICIPAL MANAGER

2023/01/06

EXPLORING PROSPERITY

Civic Centre, Palmare Road, Orkney

Tel: (018) 473 8000 | Fax: (018) 473 2523 | Email: info@sdm.org.za | Website: <http://www.sdm.org.za>



O·M·M



OFFICE OF THE
MUNICIPAL MANAGER

Private Bag X 5017, Klerksdorp, 2570, Tel: +27 18 473 9015/6, Fax: +27 18 473 2938
Website: www.kaundadistrict.gov.za, email: mmsecretary@kaundadistrict.gov.za, Civic Center, Patmore Road,
Orkney, 2620

INTERNAL MEMO

TO : SENIOR MANAGER LED AND PLANNING
: MANAGER TECHNICAL SERVICES
: MANAGER LOCAL ECONOMIC DEVELOPMENT (LED)

CC : CHIEF FINANCIAL OFFICER
: MANAGER MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

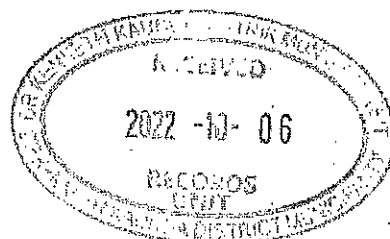
FROM : MUNICIPAL MANAGER

DATE : THURSDAY, 06TH OCTOBER 2022

RE: IMPLEMENTATION OF THE MUNICIPAL COUNCIL RESOLUTION: MPAC

At the Municipal Council meeting held on Friday, 29th July 2022 it was resolved in **ITEM A.179/07/2022** as follows:

- 1. Formulate the steps to be taken in order to recover the unauthorised expenditure and table in the Municipal Council for adoption;*
- 2. All persons from whom information was sought and was not provided should be charged with withholding of information for malicious purposes;*
- 3. The municipality must ensure that the functions of Project Management Unit (PMU) are allocated to a specific person who will be held accountable;*



4. Local Economic Development (LED) Unit of the district should involve the locals to assist with monitoring the project (Tigane Bakery) to avoid the project being a "white elephant" and contributing to fruitless and wasteful expenditure;

5. there should be Policy of monitoring and training of LED project beneficiaries;

6. Grants and subsidies amount of R5 989 767 as per the management unauthorised expenditure report of the below-mentioned projects which Municipal Public Accounts Committee (MPAC) visited should be recovered in terms of the Local Government Municipal

Financial Management Act, Section 32 (4)(c) for the following projects:

- ✓ Bonolo Supply Distribution and Enterprise or Bomfree/Amandla;
- ✓ Magwa Construction;
- ✓ Enviro Options Pty (Ltd); and
- ✓ Bila Civil Contractors Pty (Ltd);

7. All records which are missing, duplicates to be requested from the service providers using the necessary channels e.g., PAIA, PAJA and POPIA; and

8. The Completion Certificates and hand-over reports should be provided as proof of evidence (POE) to the MPAC as these above-mentioned projects were implemented and handed-over to the locals".

The numbering of the resolutions is not exactly in terms of the ITEM A.179/07/2022, but is to ease and assist with the implementation by the Department.

The Office of the Municipal Manager requires the Department to commit to the submission of comprehensive reports to the Manager Municipal Public Accounts Committee (MPAC) on or before Wednesday, 30th November 2022 due to engagement with external service providers for the information.

Regards,



MOKGATLHE J. RATLHOGO

MUNICIPAL MANAGER

EXPLORING PROSPERITY

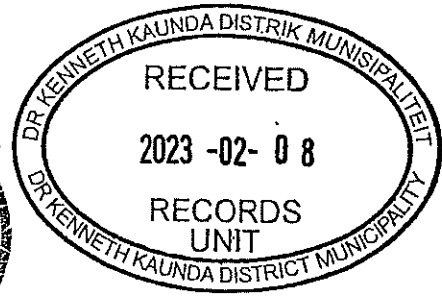
Civic Centre, Patmore Road, Orkney

Tel. (018) 473 8000 • Fax: (018) 473 2523 | Email: info@sdm.org.za | Website: http://www.sdm.org.za



O·T·S

OFFICE OF THE SPEAKER



MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

Private Bag X 5017, Klerksdorp, 2570, Tel: +27 18 473 8000, Fax: +27 18 473 8094

Website: www.kaundadistrict.gov.za, Civic Center, Patmore Road, Orkney

To : Municipal Manager
From : Municipal Public Accounts Committee
Through : Office of the Speaker
Subject : request for assistance from the legal and internal audit unit
Date : 08 February 2023

The Municipal Public Accounts Committee requests that the legal unit assist the committee with legal advice on matters relating to the DR Kenneth Kaunda Economic Agency. The matters relating to the request are as follows:

1. The legal unit to look at the Annual Report 2021/2022 and advise the committee on the contradicting statement of the Chief Executive Officer and the financial performance of the Agency.
2. To verify the timeline of up until when was the board active.
3. To guide the committee with crafting a statement with regards to the misrepresentations as stated in the AR 2021/2022 of the Agency and the processes to be followed when referring the matter to other relevant institutions.

The committee requests an internal audit unit report on the agency for the financial year 2021/2022.

The report should highlight the following:

1. The financial transaction made by the Agency relating to page 36 of the Annual Report.
2. Detail and the nature on the transfer revenue -services in kind of R3 306 734 as found in the 2021/2022 AFS.
3. Details related to the payables from exchange transactions of R646 174.

The responses are expected to reach the office by 17 February 2023. The support from both units will assist the MPAC with the Oversight process.

Sincerely

A handwritten signature in black ink, appearing to read 'Mangesi', is written over a horizontal line. The signature is enclosed in a large, loopy oval shape.

Cllr MI Mangesi

MPAC Chairperson

Date: 08/02/2023

O·T·S

OFFICE OF THE SPEAKER



**MUNICIPAL PUBLIC ACCOUNTS COMMITTEE
(MPAC)**

Private Bag X 5017, Klerksdorp, 2570, Tel: +27 18 473 8000, Fax: +27 18 473 8094
Website: www.kaundadistrict.gov.za, Civic Center, Patmore Road, Orkney

To : The Municipal Manager
From : Municipal Public Accounts Committee
DATE : 07 February 2023

RE: REQUEST FOR EPWP TO ASSIST DURING OVERSIGHT PROCESS ON THE ANNUAL REPORT

The Municipal Public Accounts Committee in the Dr Kenneth Kaunda District Municipality will be having public participation on the Annual Report for 2021/2022 financial year. Therefore the MPAC office requesting to be assisted with EPWP for the process of oversight as alternative as the CBPs are not yet employed.

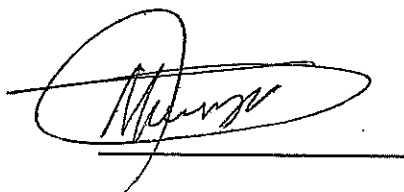
The duties of EPWP will be as follows:

1. The EPWP will collect information in the wards using the approved questionnaire and consolidate the report per ward.
2. Pictures of EPWP at work collecting information to be published in the newsletter for public to know who will be coming to their homes for information
3. To assist to ensure that safety and adherence to Covid 19 protocols is observed
4. EPWP to go door to door wearing municipal uniform collecting inputs on the annual report by assisting the community to fill out the 5 minutes questionnaire.
5. Mobilize for the built up programs and the main event
6. Distribution of documents and water
7. Assist with the noting of all the questions and answers given
8. Assist with sitting arrangement
9. Rotating of the mikes
10. Ensuring that all attendees have signed the attendance registers

Program on build-ups on oversight process

15 Feb 2023		Matlosana	MPAC Oversight on the Annual Report Process 1. Oversight build-up programs	1. MFMA (s129 – 130)	1. Ward committees, 2. EPWP,
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	15:00		<ul style="list-style-type: none"> 2. Distribution of questionnaires 3. Consider public inputs on the AR Interviews with MM & Section 56 Managers 	<ul style="list-style-type: none"> 2. Municipal Systems act chapter 4 	<ul style="list-style-type: none"> 3. Ward councilor of the area visited 4. Public Meeting
16 Feb 2023		JB Marks	<ul style="list-style-type: none"> MPAC Oversight on the Annual Report Process 4. Oversight build-up programs 5. Distribution of questionnaires Consider public inputs on the AR Interviews with MM & Section 56 Managers 	<ul style="list-style-type: none"> 3. MFMA (s129 – 130) Municipal Systems act chapter 4 	<ul style="list-style-type: none"> 1. Ward committees, 2. EPWP, 3. Ward councilor of the area visited 4. Public Meeting
17 Feb 2023		Maquassie	<ul style="list-style-type: none"> MPAC Oversight on the Annual Report Process 6. Oversight build-up programs 7. Distribution of questionnaires Consider public inputs on the AR Interviews with MM & Section 56 Managers 	<ul style="list-style-type: none"> 4. MFMA (s129 – 130) Municipal Systems act chapter 4 	<ul style="list-style-type: none"> 1. Ward committees, 2. EPWP, 3. Ward councilor of the area visited 4. Public Meeting



Cllr MI Mangesi

MPAC Chairperson

08/02/2023

Date

O·T·S

OFFICE OF THE SPEAKER



MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

CONCEPT DOCUMENT

**PUBLIC PARTICIPATION ON THE ANNUAL
REPORT**

DATE : 07 March 2023

TIME : 15H00

VENUE : Ventersdorp

PURPOSE OF THE PUBLIC PARTICIPATION

The Municipal Systems Act (32 of 2000) chapter 4 and relevant regulations on public participation prescribes ways in which the Municipality may invite the public to interrogate and make representations on council documents. The purpose of this concept document is to give ways on which the public participation on the Annual Report of financial year 2021/2022 will be taken for Oversight Process.

BACKGROUND

In accordance with the provisions of Section 79 (1) (a) (b) and (c) of the Municipal Structures Act 117 of 1998 a municipality may establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers and appoint the members of such committee from among its members. Furthermore Section 79 (2) of the Municipal Structures Act, (Act 117 of 1998) provides adequate framework and guidelines within which such committees of council shall operate.

The following non-executive councillors have been appointed, as per council resolution in accordance with section 33 and 79 of the Municipal Structure Act (Act 117 of 1998) to serve as members of the Municipal Public Account Committee:

1. Cllr. Matome Mangesi - Chairperson
2. Cllr. Chris Hattingh
3. Cllr. Matumelo Mokone
4. Cllr. Lucas Jonas
5. Cllr. Isaac Meya
6. Cllr. Lawrence Motlhoiwa
7. Cllr. Robert Mosholi
8. Cllr. Ryder Mokgele
9. Cllr. Patrick Sesana
10. Cllr. Hendrik Jordaan
11. Cllr. Lentikile Shuping

SUPPORT STAFF

1. Ms B. Roberts-Tebejane
2. Ms R. Gaaname

RESPONSIBILITIES OF MPAC

The MPACs must interrogate financial aspects addressed in the Municipal Finance Management Act No.56 of 2003 according to Section 129 the Oversight report on annual reports:

- Subsection (1). The council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control, and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127, adopt an oversight report containing the council's comments on the annual report, which must include a statement whether the council-*
- (a) has approved the annual report with or without reservations;*
 - (b) has rejected the annual report; or*
 - (c) has referred the annual report back for revision of those components that can be revised.*

The DR Kenneth Kaunda District Municipality's Municipal Public Accounts Committee (MPAC) will be conducting a public participation process by distributing questionnaires through ward Councilors and the Office of the Speakers of the local Municipalities and of the District. A public meeting for the community to give inputs in the reports will also be held where the public can ask the Executive and Management questions related to the Annual Reports as per section 130 of the MFMA 56 of 2003. Thereafter the Committee will prepare Oversight Reports on the Annual Reports and table both the reports before a full Council Meeting at the end of March 2023. This is per requirement in terms of Section 129 of the Municipal Finance Management Act, 56 of 2003.

The Oversight Report is the final major step in the annual reporting process of a Municipality. The section further requires the Council to consider the annual report of its municipality and to adopt an oversight report containing the council's comments on the annual report and public comments.

Municipal Public Accounts Committee (MPAC) was established in terms of section 79(a) of the amended structures Act, 2021, with Council resolution A.02/012022 on 14 January 2022. One of the duties of the Committee according to the approved Terms of Reference of the committee is to perform Oversight on the Annual Report of both the District and the Economic Agency and compile Oversight Reports and make recommendations to Council.

The MPAC's core function is to contribute to the governance of the Municipality by providing assurance (on behalf of Council) on various issues pertinent to the Municipality and specifically the administration of the Municipality. MPAC plays a role of exercising proper oversight of public funds and Council programs.

The mission of the MPAC is to exercise oversight over the executive structures of Council and senior management and to ensure good governance throughout the Municipality. To clearly define its relationship with the executive, the MPAC refers to the guideline on the Separation of Executive and Legislative Powers. Furthermore, the MPAC undertakes to increase Council and public awareness of the financial and performance issues that arise within the Municipality and its entities.

The Committee invites the public to make their representations on the Annual Reports of the 2021/22 financial year. All members of the District community are invited according to the following Public Notice

AUDIENCE/TARGET

The Dr Kenneth Kaunda District Municipality geographical area consists of three (3) local municipalities as follow:

1. Matlosana Local Municipality with 39 wards
2. Maquassi Local Municipality with 11 wards
3. J B Marks Local Municipality with 34 wards

For the Questionnaires and pamphlets

In total there are 84 wards which means that 5000 newsletters /84 wards =60 questionnaire per ward. 5000 to be printed because of affordability of the municipality.

The office of the Speaker and MPAC office will be visiting wards during ward meetings to explain to the community about the Annual Report where invited. Comments will be taken from the community and escalated to the MM and she will write the responses and give the ward councilor where inputs were taken from the ward meetings. All the written and collected questions will still be clarified when the oversight report is adopted. These visits aimed at building up capacity for the main public participation event of the 07/03/2023. The members will be teaching members of the public the Oversight process on the AR to ensure that all participants are able to make inputs during the meeting with the Executive and Management of the institution.

The duties of EPWP will be as follows:

1. The EPWP will collect information in the wards using the approved questionnaire and consolidate the report per ward.
2. Pictures of EPWP at work collecting information to be published in the newsletter for public to know who will be coming to their homes for information
3. To assist to ensure that safety and adherence to Covid 19 protocols is observed
4. EPWP to go door to door wearing municipal uniform collecting inputs on the annual report by assisting the community to fill out the 5 minutes questionnaire.
5. Mobilize for the built up programs and the main event
6. Distribution of documents and water
7. Assist with the noting of all the questions and answers given
8. Assist with sitting arrangement
9. Rotating of the mikes
10. Ensuring that all attendees have signed the attendance registers

Program on build-ups on oversight process

15 Feb 2023	15:00	Matlosana	MPAC Oversight on the Annual Report Process 1. Oversight build-up programs 2. Distribution of questionnaires 3. Consider public inputs on the AR Interviews with MM & Section 56 Managers	1. MFMA (s129 – 130) 2. Municipal Systems act chapter 4	1. Ward committees, 2. EPWP, 3. Ward councilor of the area visited 4. Public Meeting
16 Feb 2023		JB Marks	MPAC Oversight on the Annual Report Process 4. Oversight build-up programs 5. Distribution of questionnaires	3. MFMA (s129 – 130) Municipal Systems act chapter 4	1. Ward committees, 2. EPWP, 3. Ward councilor of the area visited

			Consider public inputs on the AR Interviews with MM & Section 56 Managers		4.Public Meeting
17 Feb 2023		Maquassie	MPAC Oversight on the Annual Report Process 6. Oversight build-up programs 7. Distribution of questionnaires Consider public inputs on the AR Interviews with MM & Section 56 Managers	4. MFMA (s129 – 130) Municipal Systems act chapter 4	1. Ward committees, 2. EPWP, 3. Ward councillor of the area visited 4. Public Meeting

The above Local Municipalities will provide 60 representatives per ward with their fill out questionnaire. The office of the Speaker will extend the invites to local municipalities for them to invite their wards committee members and the public for this public participation information collection. The Office of the Municipal Manager will also extend the invitation to the Directors and Managers of different Directorates to MPAC interviews where public comments will be responded to.

ROLE PLAYERS/STAKEHOLDERS FOR THE PUBLIC PARTICIPATION MEETING

1. MPAC Members
2. The Office of the Speaker
3. Administration (Office of Municipal Manager) i.e. Directors and Managers
4. Communication Unit
5. Public
6. Respective ward councillor to be invited.

Responsibilities of the role players

The public participation concept document is aimed to address the logistical arrangements, weaknesses and threats identified in the previous meetings. All the stakeholders mentioned below out have their own responsibilities:

1. The Executive Mayor

To give a speech outlining the highlights of 2021/22 and promote what the municipality is doing currently in the Annual Report

2. Speaker

To welcome all attendees to the meeting.

3. Single Whip of Council

Closing and thanks giving to all who attended and participated in the interviews

4. MMCs

As the political leader of the department all MMCs should answer questions posed together with the MM and Director

5. MPAC

To conduct Oversight on the Annual Report and write the Oversight Report.

6. MPAC Support Staff

1. Formulation of the newsletter questionnaire
2. Formulation of the newsletter after the MM has responded to the questions.
3. Coordination of the event together with the events coordinator
4. Note all the questions and answers given at interviews
5. Presentation Material
6. Bookings and venue logistics for questionnaire consolidation
7. Distribution of food

7. Office of the Speaker administration

1. Transport plan (must be formulated in consideration of the available seats and ward councillors, CBPs and ward committees to ensure that each ward brings participants)
2. Mobilization of the community in conjunction with the Local Municipality
3. Attendance registers of the community
4. Putting a request for transportation and catering
5. Bookings and venue logistics – ensure that the venue is usable (functional toilets, plain field for tent and hall in good conditions)
6. Distribution of food

7. CBPs To go door to door wearing municipal uniform with mask on and a sanitizer collecting inputs on the annual report by assisting the community to fill out the 5 minutes questionnaire.
8. Coordination of the Local municipalities speaker's office in order to mobilize the community through loud hailing and pamphlets to be distributed through ward councillors.

8. Communication

1. Photography
2. Events coordination
3. Placing Advert notice of MPAC Public Participation Programme
4. Organising the radio interview for the Chairperson (local radio stations)
5. Compiling media release on MPAC events
6. Branding
7. Ensure media coverage for MPAC Public Participation Programme events
8. Coordinate inputs received via social media
9. Formulation of the newsletter questionnaire
10. Formulation of the newsletter after the MM has responded to the questions.
11. Radio interviews 1 for star FM and 1 for Aganang
12. 1 advert which will be in rotation for during of the oversight process aimed at making the public aware of the CBP collection of data

9. Municipal Manager

1. To respond to all questions posed on the Annual Report/ delegate relevant senior manager
2. Write letters requesting the venue and plants

10. Finance

1. Source quotations from suppliers and choose the best performing supplier and report back in time
2. Give the contact details of the suppliers in time
3. Inform all suppliers that they need to be at the venue at 12H00

11. Transport Officer

1. Avail transportation for the Committee to the venue
2. Avail transportation (municipal quantum during build up program)
3. Avail a municipal bakkie during the build-up program and main event

12. Ward councillors and Ward committees for the built up

1. Mobilize for the built up program
2. Bookings and venue logistics

13. Ward Committees

1. Mobilize for the built up program and the main event
 2. Distribution of documents
 3. Distribution of water
 4. Assist with the noting of all the questions and answers given
 5. Assist with sitting arrangement
 6. Rotating of the mike
 7. Ensuring that all attendees have signed the attendance registers
 8. Distribution of food
- **Disaster management**
 1. Floor Plan
 2. Evacuation plan

14. Environmental Health

1. Food Inspection (Jonathan, Ntswaki and Fortunate)
- **MISS**
 1. Application according to gatherings act
 2. Application for traffic control
 3. Security

FINANCIAL IMPLICATIONS

THE EVENT IS BUDGETED UNDER VOTES NUMBER:

Vote no	Unit	Budgeted Amount
	MPAC AND OR PUBLIC PARTICIPATION VOTE	

31102260600FLP67ZZHO	Catering	R 68 000
31102265720FLQ44ZZWD	Transport	R 50 000
Advertising vote	Communications	

ITEM	SPECS	QUANTITY	Amount
Catering	Fruits packs (for buildup programs, breakfast for main events and road shows) Lunch: Masses Lunch: Officials & Counsellors Water (Still 500ml) Drinks (Soft-drinks) (same food to be served for all attendees) (meal tickets to be distributed when attendance register is signed)	150 420 80 500 500	Quotations to be sourced
Transportation	60 passengers Buses = 420 people (4 Busses Matlosana; 1 Bus Maquassi; 3 Buses JB Marks) Or <i>alternative for time purpose</i> <i>420 people /20 (seater quantum)</i> Taxis from different local Municipalities	7 21	Quotations to be sourced from all services providers in all locals (public participation is supposed to be in each ward clubbing the wards in one event is cheaper and

			saves time. This is not meant for tender splitting)
Venue	Community Hall (to be changed yearly, all locals have to be visited by the end of the term)	1	0
Council Vehicle	Toyota Quantum for MPAC Members	1	
Tables and chairs (if not available in the hall)	chairs tables Toilets Tent (if tent not useable or available)	600 60 1 male and Female (flushing movable) 1	0
PA system	4 microphones, 6 surround speakers, base and mixer	Internal (disaster)	
Projector	1 projector and extension	Internal	
Loud Hailing	All 3 local municipalities speakers offices to be requested to assist with loud hailing	external	

CONCLUSION

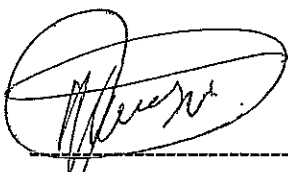
Governance in the municipality has so far been effective as envisaged by legislation awareness and advantage of good governance in Municipal Council should be promoted in line with the principal of good governance. Both officials and political office-bearers should be held accountable for the way the community tax money is spent and utilised and ensured this is done expressly to deliver service to which that community has a constitutional right.

MPAC OVERSIGHT PROCESS ON THE ANNUAL REPORTS OF 2021/2022

Date	Time	Venue	Purpose	Relevant Legislation	Invitees
01 Feb 2023	09:00	Committee Room	<p>MPAC Monthly meeting:</p> <ol style="list-style-type: none"> 1. Verify tabling and check if the AR was publicized and the community was invited for inputs 1. Review/ Confirm the implementation of post audit annual action plan 2. Review the 2nd Quarter performance reports of the MM & S 56 managers 3. Check compliance on the half yearly reports 4. Compile a compliance notice 5. Approve the Oversight process plan and concept document 	<ol style="list-style-type: none"> 1. MFMA (s 121 & 127) 2. MFMA (s 129 & 130) 3. MFMA (s 52, s 71 and s72) <p>Municipal Systems Act (s 41 [1](e))</p>	None
Ongoing	10:00	Local radio stations	<p>Radio interviews and public invites</p> <ol style="list-style-type: none"> 1. To invite the public to make representations on the AR 2. Release a media statement 3. Release a public notice of all the MPAC meetings where the Annual Report will be discussed 	<ol style="list-style-type: none"> 1. MFMA (130 (2)) 2. MFMA (s 129 (2)) 3. Municipal Systems Act s21 	Public meeting
03 Feb 2023	09:00	Council Chamber	<p>MPAC Oversight on the Annual Report Process</p> <ol style="list-style-type: none"> 1. Review the Annual Report and 1st draft of the oversight report on the AR 2. Review oversight process plan 3. Selection of sites to be inspected 4. Write letters of invitation to management for interviews and site inspection 5. Approve the Questionnaire on public participation and publicize it 	<ol style="list-style-type: none"> 1. MFMA (130 (2)) 2. MFMA (s 129 (2)) 	Public Meeting
07 Feb 2023	14:00	Council Chamber	<p>MPAC Oversight on the Annual Report Process</p> <ol style="list-style-type: none"> 1. AG MPAC audit outcome briefing meeting 2. Selection of sites to be inspected 3. Write letters of invitation to the executive and management for the site inspection 4. Include AG comments in the Oversight Report 	MFMA (sec 129-130)	<ol style="list-style-type: none"> 1. AG, 2. SALGA, 3. COGTA and 4. TROIKA 5. Public Meeting 6. PPAC chairperson 7. Chairperson of COGTA

9 and 10 Feb 2023	09:00	All local municipalities	MPAC Oversight on the Annual Report Process 1. Project visits	Municipal Systems Act (s 21A)	1. MMC 2. MM and Officials from relevant departments 3. Public Meeting
14 Feb 2023	14:00	MPAC Support staff and relevant administrative units	Public participation plenary meetings 1. Approve and commit to the different roles of all internal stakeholders during the public meeting		1. MPAC Support staff and relevant administrative units
15, 16 and 17 Feb 2023	15:00	All local municipalities	MPAC Oversight on the Annual Report Process 8. Oversight build-up programs 9. Distribution of questionnaires 10. Consider public inputs on the AR Interviews with MM & Section 56 Managers	5. MFMA (s129 – 130) 1. Municipal Systems act chapter 4	2. Ward committees, 3. CBP, 4. Ward councilor of the area visited 5. Public Meeting
21 Feb 2023	09:00	Council Chamber	MPAC Oversight on the Annual Report Process 1. Reading the Annual Report and writing management questions 2. Compilation of the Oversight Report for both the District and the Agency 3. MFMA financial compliance reports 4. Write letters of invitation to management for interviews	1. MFMA (130 (1) & (2))	1. Public Meeting
02 Mar 2023	10:00	Council Chamber	MPAC Meeting Oversight on the AR 1. Consider management responses before the interviews. 2. Compilation of the Oversight Report for both the District and the Agency		1. Public meeting
07 Mar 2023	15:00	Ventersdorp (All wards in one meeting)	Public Meeting 1. Public Participation on the Annual Report 2. Distribution of questionnaires	Municipal Systems act chapter 4	1. Ward committees, 2. CBP, 3. Ward Councilor of the area visited 4. Public Meeting 5. AG,

					6. SALGA, 7. COGTA and 8. TROIKA
09 Mar 2023	10:00	Council Chamber	Executive and Management interviews 1. Interviews with Political heads and Management 2. Closing date for the questionnaires	MFMA (130 (2))	1. Executive and all MMCs, 2. Speaker, 3. Whip, 4. Management 5. Public Meeting
10 and 13 Mar 2023	8:00	Whips Boardroom	Capturing of all questionnaires		1. CBPs 2. Office of the speaker 3. MPAC support staff
14, 15 and Mar 2023	10:00	Committee Room	MPAC meeting 1. Investigatory Report: Irregular, Fruitless and wasteful expenditure report finalization 2. Compile and Review draft oversight report on the AR for both the District and the Agency	MFMA s32 and s129	meeting closed to the public
16 Mar 2023	10:00	Committee Room	MPAC meeting Committee adopt the Oversight Reports which will be tabled in Council		Public Meeting
30 Mar 2023	10:00	Council Chambers	Council Meeting 1. Adoption of oversight reports with comments on AR by Council	1. MFMA (s131 (1)) 2. MFMA Sect 129 (1)	1. Executive. 2. Management. 3. SALGA 4. COGTA 5. AG. 6. Public from local municipalities



Cllr M Mangesi

08/02/2023

Date

INSPECTION REPORT FORM NOTICE

3957

Address: <u>Municipal Pub. Accounts Comm.</u>	Previous Notice Number:	Inspection date: <u>2023/2/28</u>
Business Name: <u>Training Hall</u>	Occupation Classification: <u>Community Hall</u>	Inspector: <u>S. Mabena</u>
Building Complex Name/Vehicle Make and Reg: <u>D. L. Kaunda</u>	Contact Person: <u>Ms B.J. Roberts-Tebesane</u>	Contact Number: <u>072 289 2654</u>

TYPE OF INSPECTION

Land Use Application	Fire Investigation	Construction Site	1
Business Licence	Hydrostatic/low Test	Plan Review	2
Certificate of Occupancy	Sprinkler Acceptance Test	Grading Certificate	3
Fire Prevention Permit	Fire Alarm Acceptance Test	Hood/Suppression System	4
Complaint	Storage Dangerous Goods	Transport Dangerous Goods	5

COMMENTS/REQUIREMENTS/RECOMMENDATIONS/RESTRICTIONS

THIS NOTICE SERVES AS A CONFIRMATION THAT:

1. AN APPLICATION FORM FOR VENUE GRADING CERTIFICATION TO STORED FOR COMPLETING AND TO BE RETURNED.
2. THE APPLICATION MENTIONED ABOVE IS IN RELATION TO THE EVENT TO BE HELD ON THE 7th MARCH 2023.
3. AN INVOICE IS SHARED AS A QUOTATION TO BE PAID AS PER COUNCIL POLICY (SP 5/2022:6.30) IN FAVOUR OF THE JB MARKS LOCAL MUNICIPALITY

are hereby notified to remedy the conditions stated above within _____ hours/days from the date of this notice. Appeal from this notice may be made in 7 days from the date of service. Direct such appeal to the Chief Fire Officer by telephone (018) 299 5343 or write to the office of the Chief Fire Officer, JB Marks Fire Services, P.O. Box 113, Potchefstroom, 2530 or email firechief@jbmarks.gov.za

NB: This notice is served in accordance with Section 18(2) of the Fire Brigade Services Act of 1987 (Act 99 of 1987)

Notified: 2023/2/28
 Inspector: S. Mabena
 Signature: [Signature]

Time Notified: 12:51
 Received By: Brandis Roberts-Tebesane
 Signature: [Signature]

DR. KENNETH KAUNDA

DISTRICT MUNICIPALITY



Private Bag X 5017
Klerksdorp
2570
Tel: (018) 473 8000
Website: www.kaundadistrict.gov.za

Civic Centre
Patmore Road
Orkney
2620

Fax: (018) 473 2523
Email: admin@kaundadistrict.gov.za

Our Ref: MPAC

Enquiries: Roberts, Tabejana

Your Reference:

08 February 2023

To : Municipal Manager
: All Local Municipalities within the District
The Speaker – DRKKDM

RE: BOOKING OF COMMUNITY HALL(S)

The Municipal Public Accounts Committee in the Dr. Kenneth Kaunda District Municipality will be hosting a public participation on the Annual report for 2021/2022 financial year. Therefore the municipality hereby requests for booking of Community Hall scheduled as follows:

DATE : 15 February 2023 - City of Matlosana
: 16 February 2023 - Maquasie Hills
: 17 February 2023- JB Marks
TIME : 10H00 for 14H00 Till late
REASON : MPAC Public Participation on Annual Report (workshops)

We therefore request that the table and chairs with table clothes be availed and the projecting white board for the event. It is envisioned that the event will be attended by 50 people

The MPAC Office and the Speakers Office of the District will come and inspect the hall after the request is granted.

Your consideration will be highly appreciated.

MOKGATLHE J. RATHLOGO
MUNICIPAL MANAGER

DATE

DR KENNETH KAUNDA DISTRICT MUNICIPALITY AND DR KENNETH KAUNDA DISTRICT ECONOMIC AGENCY TABLING OF MPAC OVERSIGHT REPORTS ON THE ANNUAL REPORTS FOR 2021/2022 FINANCIAL YEAR

PURPOSE

To table to Council the Oversight Reports on the Annual Reports of both the DR Kenneth Kaunda District Municipality and District Economic Development Agency of 2021/2022.

BACKGROUND

In accordance with the provisions of Section 79 (1) (a) (b) and (c) of the Municipal Structures Act 117 of 1998 a municipality may establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers and appoint the members of such committee from among its members. The Local Government: Municipal Structures Amendment Act, No. 3 of 2021 specifically states that the establishment of municipal public accounts committee should be according to 79 A were

- (1) A municipal Council must establish a committee called the municipal public accounts committee.
- (2) The mayor or executive mayor, deputy mayor or executive deputy mayor, any member of the executive committee, any member of the mayoral committee, speaker, whip and municipal officials are not allowed to be members of the municipal public accounts committee.
- (3) The municipal Council must determine the functions of the municipal public accounts committee, which must include the following:
 - (a) review the Auditor-General's reports and comments of the management committee and the audit committee and make recommendations to the municipal Council
 - (b) review internal audit reports together with comments from the management committee and the audit committee and make recommendations to the municipal Council.
 - (c) initiate and develop the oversight report on annual reports contemplated in section 129 of the Local Government: Municipal Finance Management Act;
 - (d) attend to and make recommendations to the municipal Council on any matter referred to it by the municipal Council, executive committee, a committee of the Council, a member of this committee, a Councilor, and the municipal manager; and
 - (e) on its own initiative, subject to the direction of the municipal Council, investigate and report to the municipal Council on any matter affecting the municipality.
- (4) Reports of the municipal public accounts committee must be submitted to the speaker who must table such reports in the next meeting of the municipal Council.

It is against these above-mentioned sections that the MPAC was established on 14 January 2022 with Council resolution number A.02/01/2022.

The Oversight Report is based on section 129 of the Municipal Finance Management Act 56 of 2003 where it is stated that the Oversight Report is the final major step in the annual reporting process of a Municipality. This is where the Council must consider the annual report of its Municipality and adopt an Oversight Report containing the Council's comments on the Annual Report.

After the election of new Council in 2021, the MPAC terms of reference was not reviewed. This was because the terms are found in the Council rules and order, and they are yet to be reviewed. The committee therefore continued with the adopted terms of reference of 2019.

Discussions

The oversight process started on 30 January 2023 after the Annual Reports of both the District and the Agency were tabled in Council. The committee conducted site inspections and held workshops for the public during this period. The Executive and Management were invited to the public participation event and the interviews.

Findings

1. The UIF&W register increased, and the prior recommendations were not implemented neither was there an attempt to adjust the AFS with the amounts where recommendations were made.
2. The mark-up which the service provider must add to cost of sales to make profit is inconsistent in the Municipality. The MPAC found that the financial analysis reports were not included in all the documents given to the MPAC and in some instances prices per unit were specified by the bidders' documents only.
3. The AG presented to the MPAC during the AG briefing that they will be issuing the District with a material irregularity with regards to none-compliance. On page 164 paragraph 46 of the AR the AG gives detail of none-compliance which could have been avoided. Paragraph 30 on page 162 explain that there were misstatements on non-current assets and disclosure items which were allowed to be adjusted resulting on the unqualified audit opinion. The AG said that none-compliance has become the normal practice and part of the culture of the municipality.

4. The District is still not fully implementing its powers and functions. Even where the powers are implemented there are still many areas where functions are not taken over. Should there be a disaster associated with those functions the District will be exposed to great risk and negative public scrutiny. The District Powers and functions are:

1. Fire fighting
2. Regional Tourism
3. Municipal Airports
4. Municipal Health Services
5. Municipal Public Transport
6. Cemeteries, Funeral Parlors, and Crematoria
7. Markets
8. Municipal Abattoirs
9. Disaster Management

For example, the bylaws of the District that are not being implemented

5. Even when the AG did not identify any material findings on the usefulness and reliability of the reported performance information for the selected material performance indicators, the AG on page 160 paragraph 20 states that his/her procedure do not examine whether the actions taken by the municipality enabled service delivery. The AG further states that his/her findings do not extend to matters relating to any disclosures or assertions relating to the extent of achievements in the current year or planned performance strategies and information in respect of future periods that may be included as part of the reported performance information. Meaning AG does not guarantee that there was service delivery and that there may be any future benefit from the KPIs as audited.
6. The Boskuil and Oersonskraal project was not continuously monitored and evaluated. The committee found that the advert said that the contract was supposed to be a two-year contract but when the contract was signed it said it was a three-year contract.
7. The methodology used to select the beneficiaries of the LED grants was not properly outlined.
8. There was no monitoring and evaluations on the renovations made at the fire station in Maquassie Hills.
9. Management takes more time than required to respond to MPAC when information is required and when the responses come the information given will not be complete.
10. The Executive and Management do not implement the MPAC recommendation instead after Council has resolved only then they query the resolutions forgetting the time afforded for responses and additional information requested overtime. ***See attached report from MM bearing MPAC council recommendation implementation on***

UIF&W

11. The Annual Report did not reach the public for scrutiny, the public said that they do not have access to the libraries, DRKKDM website and the radio stations which were used to announce the availability of the AR in accordance with sec 127(5) which states that *“Immediately after an annual report is tabled in the council in terms of subsection (2), the accounting officer of the municipality must in accordance with section 21A of the Municipal Systems Act- (i) make public the annual report; and 25 (ii) invite the local community to submit representations in connection with the Annual Report”*

RECOMMENDATIONS

DRKKDM: THE MM TO IMPLEMENT AND REPORT PROGRESS QUATERLY TO COUNCIL STARTING 30 JUNE 2023

1. That Council adopts the Oversight Report for 2021/2022.
2. That Council approves the Annual Report 2021/2022 with reservation.
3. That Oversight Report 2021/2022 be made public in accordance with Section 129 (3) of the Municipal Finance Management Act No 56 of 2003.
4. That Oversight Report and the Annual Report 2021/2022 be submitted to the Provincial Legislature, in accordance with section 132(2) of the MFMA and copies be given to the AG, MEC for Local Government and Provincial Treasury.
5. e-procurement as resolved by Council should be implemented by 1 July 2023 (Resolution of Council number A31/03/2022)
6. KPAs and KPIs should be specific and aligned to the powers and functions of the District Municipality **including its service delivery** as per sec 84 of the municipal structures act 117 of 1998 and sec 41 of Local Government Municipal Systems Act 32 Of 2000
7. Performance management system must be cascaded to all levels (all employees) lower than senior managers according to the staff regulations and the progress reports should reach Council quarterly in accordance with the Local Government Municipal Systems Act 32 of 2000; Municipal staff regulations of 2021
8. All employees must sign their job descriptions and there must be annual performance review.
9. Irregularly procured contracts must be cancelled to curb the increase of UIF&W. The

cancellations should be done through correct legislated procedures. If the services are still needed the correct procurement processes must be followed. Including the contracts highlighted by the Municipal Financial Misconduct Board as tabled in Council in January 2023.

10. There should be vigorous and continuous vetting, capacity building for all involved in the SCM processes

The report should be taken to Council in line with sec 41 of the Local Government Municipal Systems Act 32 Of 2000 which states that

"A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed establish a process of regular reporting to (i) the council, other political structures, political office bearers and staff of the municipality"

The vetting

Must be in line with National Strategic Intelligence Act, 1994 (Act No. 39 of 1994 section 2A) where it states that necessary considerations by the institution before appointment, be subjected to a vetting investigation.

The training must be in line with Local Government: Municipal Finance Management Act, 2003 Municipal Supply Chain Management Regulations

11. There should be an incorporation of implementing Consequence Management as a key result area in the performance agreements of each senior manager in the new financial year as per the consequence management and accountability framework the MFMA perspective of 2022.
12. The relevant Accounting Officer, Members of bid committees and officials in user departments who are responsible for incurring the UIF&W should be taken for disciplinary processes with regards to the following:

12.1 PK Financial consultants

1. Therefore, value for money could not be determined by the MPAC
2. The committee further agrees with the disciplinary board that financial misconduct has been established and since value for money could not be determined the implicated former employees must be criminally charged
3. That the systems of delegations be used to determine persons liable from the beginning of the procurement to the delivery of the services.

4. The committee could not satisfy themselves that the amounts in the UIF&W register were complete as no invoices pertaining to the expenditures were furnished to the committee after requests were done over several years.

12.2 Diphetogo Trading

1. MPAC could not establish whether there was value for money
2. Therefore all who were liable for the procurement should be criminally charged for financial misconduct as found by the financial misconduct board.

Noting the MFMA sec 32(2)

The writing off in terms of subsection of any unauthorized, irregular, or fruitless and wasteful expenditure as irrecoverable, is no excuse in criminal or disciplinary proceedings against a person charged with the commission of an offence or a breach of this Act relating to such unauthorized, irregular, or fruitless and wasteful expenditure. (6) The accounting officer must report to the South African Police Service all cases of alleged- (a) irregular expenditure that constitute a criminal offence; and (b) theft and fraud that occurred in the municipality. (7) The council of a municipality must take all reasonable steps to ensure that all cases referred to in subsection (6) are reported to the South African Police Service if- (a) the charge is against the accounting officer; or (b) the accounting officer fails to comply with that subsection. (8) The Minister, acting with the concurrence of the Cabinet member responsible for local government may regulate the application of this section by regulation in terms of section 168.

Noting the National archives Act 43 of 1996

Any person who willfully damages, removes, destroys, or erases any public or non-public record in the control of a governmental body; otherwise, in accordance with the National Archive Act or any other law, shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years or both such fine and imprisonment.

12.3 Business Connection LTD

1. There was no value for money for the BCX procurement as the municipality is still not MSCOA compliant

2. The municipality has suffered financial loss as the parts of non-compliance on MSCOA still needs to be considered
3. All persons liable for the procurement must be criminally charged including current employees who negligently continued to authorize the use of an expired contract.

12.4 Sebata Holdings

1. Value for money could not be established
2. Financial loss could not be established by the committee
3. All persons liable for the expenditure should be criminally charged including all employees who negligently procured on an expired contract

12.5 Samsung- NW Telecoms

Samsung (resolved by council on 24 November 2022 resolution number ITEM A.278/11/2022)

1. There should be consequence management on the responsible officials who did not implement previous Council resolution number A.108/03/2019 "number 12. The committee does not recommend the writing off, of the month-to-month contracts. Number 13. The municipality should not get into the month-to month contracts, all existing services which are on month-to-month should be advertised and the procurement of services with a legal service level agreement should done."
2. Failure for implementation of the above recommendation has seen the municipal UIF&W register growing. The previous EM and the MM failed to implement the council resolution.
3. The Accounting Officer to determine if the services are still needed.
4. Proper procurement processes must be followed to ensure service delivery within three months to allow for the legislated tender process to unfold
5. The have benefiting unduly, therefore, the contract should be terminated
6. The amount is not recommended for writing off.
7. The item should be referred for criminal investigation

12.6 Telkom

1. The committee could not determine if there was value for money therefore financial loss could not be determined.
2. The telephones should be pin driven with a limit for employees according to their employment levels.
3. All the Accounting Officers (substantive and/or Acting) and the Head of User departments, be subjected to a disciplinary process. All officials who have a responsibility in the procurement process should be taken for disciplinary processes (duties are segregated).
4. The item should be referred for criminal investigation

12.7 Saetec trading/ sharp

1. Both the Accounting Officer and the Head of User department, be subjected to a disciplinary process.
2. The item should be referred for criminal investigation

12.8 Ndelela data (PTY) LTD

1. The related invoices, SLA, appointment and acceptance letter proof of delivery and the bid committee reports should be submitted to the committee.

12.9 Pono security services

1. The related invoices, SLA, appointment and acceptance letter proof of delivery and the bid committee reports should be submitted to the committee.

12.10 Nalko engineers & projects

1. The related invoices, SLA, appointment and acceptance letter proof of delivery and the bid committee reports should be submitted to the committee.

12.11 Hope send trading projects

1. The related invoices, SLA, appointment and acceptance letter proof of delivery and the bid committee reports should be submitted to the committee.

12.12 Movundlela consulting

1. The MPAC recommends that members of the bid committee be subjected to disciplinary processes.
2. The committee could not determine how much was raised by the service provide and what was the money used for. Hence financial gain could not be determined.
3. All persons responsible for the irregular expenditure should be held liable. The MM should follow all process of financial misconduct for all employees and former employees liable.

12.13 Assets

1. Awaiting the financial misconduct board report to be finalised

13. The District must improve the strategy of how communities are invited to take part in the municipal business on the basis that the community complained that they did not participate in the IDP, Budget, SDBIP, and Annual Report process

13.1 LED grant application processes should be workshopped with the public participating to ensure the process is known by public.

13.2 BTO must educate members of the public of how to participate in the municipality procurement process.

14. A detailed report on the expenditure of all grants should be submitted to Council.

15. A report on the equitable share outlining variables which affect it growth should be tabled in Council. The report should include proof of attempt of the municipality to influence the increase of the grant and the indigent register of the district.

List of reservations

1. Management did not adhere to approved timelines which therefore made it difficult for the MPAC to adequately assess the submitted documents.


2. The public rejected the Annual Report of 2021/2022 as they say it was not made timeously available to them adequately
3. The committee still did not receive all the requested information. There are items which the committee still needs to look in to.
4. The committee will continuously investigate the UIF&W of 2021/2022 which were still outstanding during the oversight process as information submitted was incomplete.

DRKKEA RECOMMENDATION

1. That Council adopts the Oversight Report for 2021/2022.
2. That Council rejects the Annual Report 2021/2022
 - a. The AR does not contain all the legislated information (refer to Check List of The Annual Report as Per Section 121 (3) Of MFMA, 56 Of 2003 and MFMA Circular 11 below)
 - b. The rest of the annual Report components were not tabled in Council after the adoption in January 2023. The MEC for COGTA, AG and Treasury were not informed according to section 128 of the MFMA of the reasons which led to only certain components being tabled. The MFMA states that
 - c. The accounting officer of a parent municipality must-
 - (a) monitor whether the accounting officer of any municipal entity under the sole or shared control of the municipality has complied with sections 121 (1) and 126(2);
 - (b) establish the reasons for any non-compliance; and
 - (c) promptly report any non-compliance, together with the reasons for such non-compliance, to the council of the parent municipality. the relevant Provincial Treasury and the Auditor-General.
3. That Oversight Reports 2021/2022 be made public in accordance with Section 129 (3) of the Municipal Finance Management Act No 53 of 2003.
4. That Oversight Report and the components of the Annual Report 2021/2022 be submitted to the Provincial Legislature, AG and MEC for Local Government and treasury in accordance with section 132(2) of the Act.
5. That Council hold the Executive and Management accountable for the UIF&W spent on the salaries and expired contracts of the Agency for the year under review.

MPAC consideration of Council Corrections

1. The committee realized that during the compilation of the Council agenda the automatic re-numbering did not update. Please receive the attached pdf format with correct numbering.
2. The UIF&W investigation report of 2021/2022 could not be completed as information required was incomplete. Hence the committee had the list of reservations.



Cllr MI Mangesi

MPAC Chairperson

Date: 04/04/2023



MINUTES OF THE NINETH SPECIAL COUNCIL MEETING OF THE DR KENNETH KAUNDA DISTRICT MUNICIPALITY (DC 40) WHICH TOOK PLACE THURSDAY, 20TH APRIL 2023 AT 12:00 IN THE BOARDROOM, DISASTER RISK MANAGEMENT CENTRE OFFICES, KLERKSDORP AND INDIVIDUAL CONNECTIVITY

PRESENT

COUNCILLORS/ ALDERMAN:

CLLR NXOZANA XC	-	SPEAKER
CLLR NUM NJ	-	EXECUTIVE MAYOR
CLLR LESIE S J	-	SINGLE WHIP
CLLR MANGESI MI	-	MPAC CHAIRPERSON
CLLR MAKGATE MW	-	MEMBERS OF MAYORAL COMMITTEE
CLLR MATSAPOLA DM	-	MEMBERS OF MAYORAL COMMITTEE
ALD MAMPE TR	-	MEMBERS OF MAYORAL COMMITTEE
CLLR MPHAFUDI ZE	-	MEMBERS OF MAYORAL COMMITTEE

ALD: BESTER CJ	CLLR JORDAAN HFC
CLLR FAKU B	CLR HODGSON H (VIRTUAL)
CLLR HATTINGH C	CLLR JONAS L
CLLR LOURENS J	CLLR LEKGARI TN
CLLR LATHA KR	CLLR LOURENS JJ
CLLR MOKONE M	CLLR MEYA IT
CLLR MOKHELE I M	CLLR MOTAUNG MH
ALD MOSIANE-SEGOTSO BE	CLLR KEGONTSE KR
CLLR MOSWEU EM (VIRTUAL)	CLLR MOSHOLI R (VIRTUAL)
CLLR MTSHAWULANA PY	CLLR SESANE SP
CLLR MOSTERT WA (VIRTUAL)	CLLR RANTEKANE L
CLLR RAMPAI P	CLLR SCOTT L
CLLR SETSHOARO NM	CLLR SHUPING LK
CLLR STRYDOM HM	

OFFICIALS:

Mesdames:

B ROBERTS-TEBEJANE	MANAGER: MPAC
L RAMOROLA	MANAGER: LED & ACTING MANAGER RECORDS & ADMINISTRATION
N MKHUMA	COMMITTEE OFFICER
N MOSOEU	COUNCIL SUPPORT CLERK

Messrs:

M RATLHOGO	MUNICIPAL MANAGER
L STEENKAMP	CHIEF FINANCE OFFICER
F CANGA	MANAGER: OFFICE OF THE SPEAKER
M MATSOSE	MANAGER: OFFICE OF THE COUNCIL WHIP
T MOKATSANE	MANAGER: STRATEGIC & IDP
X MNDAWENI	MANAGER COMMUNICATIONS & ACTING MANAGER OFFICE OF THE EXECUTIVE MAYOR
MOTEPE L	CHIEF RISK OFFICER
T CHAUKE	COMMITTEE OFFICER

I SEBEKEDI

ICT OFFICER

1 OPENING

The Speaker, Cllr X Nxozana opened the meeting by reading the notice.

The meeting was then declared officially opened.

2 APPLICATIONS FOR LEAVE OF ABSENCE

The following applications for leave of absence were received and approved:

- Cllr O R Thabanchu- Attending graduation ceremony;
- Cllr Meya- Prior health commitment (Doctors' appointment) and will join virtually);
- Cllr Oosthuizen van Tonder – Hospitalised (Sick leave);
- Cllr Hodgson- Prior work commitment and will join virtually if possible;
- MMC - Sick leave; and
- Cllr L Motlhoiwa- Sick leave.

3. ITEMS FOR CONSIDERATION**ITEM A.139/04/2023****DR KENNETH KAUNDA DISTRICT MUNICIPALITY AND DR KENNETH KAUNDA DISTRICT ECONOMIC AGENCY TABLING OF MPAC OVERSIGHT REPORTS ON THE ANNUAL REPORTS FOR 2021/2022 FINANCIAL YEAR****THEREFORE RESOLVED:****DRKKDM: THE MM TO IMPLEMENT AND REPORT PROGRESS QUARTERLY TO MUNICIPAL COUNCIL STARTING 30TH JUNE 2023**

1. That the Municipal Council adopts the Oversight Report for 2021/2022.
2. That the Municipal Council approves the Annual Report 2021/2022 with reservations.
3. That Oversight Report 2021/2022 be made public in accordance with Section 129 (3) of the Local Government: Municipal Finance Management Act, No. 56 of 2003 (MFMA).
4. That Oversight Report and the Annual Report 2021/2022 be submitted to the Provincial Legislature, in accordance with Section 132 (2) of the MFMA and copies be given to the Office of the Auditor-General (AGSA), Members of the Executive Council (MEC's) responsible for Local Government and Provincial Treasury.
5. That e-procurement as resolved by the Municipal Council should be implemented by 01st July 2023 (Resolution of Municipal Council number A31/03/2022)
6. That KPAs and KPIs should be specific and aligned to the powers and functions of the District Municipality including its service delivery as per Section 84 of the Municipal Structures Act, No. 117 of 1998 and Section 41 of Local Government Municipal Systems Act 32 Of 2000.

7. That Performance Management System must be cascaded to all levels (all employees) lower than senior managers according to the staff regulations and the progress reports should reach Municipal Council quarterly in accordance with the Local Government Municipal Systems Act 32 of 2000: Municipal Staff Regulations of 2021.
8. All employees must sign their job descriptions and there must be annual performance review.
9. That irregularly procured contracts must be cancelled to curb the increase of Unauthorised, Irregularly or Fruitless and Wasteful Expenditure (UIF&WE). The cancellations should be done through correct legislated procedures. If the services are still needed the correct procurement processes must be followed. Including the contracts highlighted by the Municipal Financial Misconduct Board as tabled in Municipal Council in January 2023.
10. That there should be vigorous and continuous vetting, capacity building for all involved in the Supply Chain Management Processes (SCMP).

The report should be taken to Municipal Council in line with Section 41 of the Local Government Municipal Systems Act 32 Of 2000 which states that:

"A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed establish a process of regular reporting to (i) the council, other political structures, political office bearers and staff of the municipality"

The vetting

Must be in line with National Strategic Intelligence Act, 1994 (Act No. 39 of 1994 section 2A) where it states that necessary considerations by the institution before appointment, be subjected to a vetting investigation.

The training must be in line with Local Government: Municipal Finance Management Act, 2003 Municipal Supply Chain Management Regulations

11. That there should be an incorporation of implementing Consequence Management as a key result area in the performance agreements of each senior manager in the new financial year as per the consequence management and accountability framework the MFMA perspective of 2022.
12. That the relevant Accounting Officer, Members of Bid Committees and officials in user departments who are responsible for incurring the UIF&WE should be taken for disciplinary processes with regards to the following:

PK Financial consultants

Therefore, value for money could not be determined by the MPAC
 The committee further agrees with the disciplinary board that financial misconduct has been established and since value for money could not be determined the implicated former employees must be criminally charged
 That the systems of delegations be used to determine persons liable from the beginning of the procurement to the delivery of the services.

The committee could not satisfy themselves that the amounts in the UIF&WE register were complete as no invoices pertaining to the expenditures were furnished to the committee after requests were done over several years.

Diphetogo Trading

1. MPAC could not establish whether there was value for money
2. Therefore all who were liable for the procurement should be criminally charged for financial misconduct as found by the financial misconduct board.

Noting the MFMA sec 32(2)

The writing off in terms of subsection of any unauthorized, irregular, or fruitless and wasteful expenditure as irrecoverable, is no excuse in criminal or disciplinary proceedings against a person charged with the commission of an offence or a breach of this Act relating to such unauthorized, irregular, or fruitless and wasteful expenditure. (6) The accounting officer must report to the South African Police Service all cases of alleged- (a) irregular expenditure that constitute a criminal offence; and (b) theft and fraud that occurred in the municipality. (7) The council of a municipality must take all reasonable steps to ensure that all cases referred to in subsection (6) are reported to the South African Police Service if- (a) the charge is against the accounting officer; or (b) the accounting officer fails to comply with that subsection. (8) The Minister, acting with the concurrence of the Cabinet member responsible for local government may regulate the application of this section by regulation in terms of section 168.

Noting the National archives Act 43 of 1996

Any person who willfully damages, removes, destroys, or erases any public or non-public record in the control of a governmental body; otherwise, in accordance with the National Archive Act or any other law, shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years or both such fine and imprisonment.

12.3 Business Connection LTD

1. There was no value for money for the BCX procurement as the municipality is still not MSCOA compliant
2. The municipality has suffered financial loss as the parts of non-compliance on MSCOA still needs to be considered
3. All persons liable for the procurement must be criminally charged including current employees who negligently continued to authorize the use of an expired contract.

12.4 Sebata Holdings

1. Value for money could not be established
2. Financial loss could not be established by the committee
3. All persons liable for the expenditure should be criminally charged including all employees who negligently procured on an expired contract

12.5 Samsung- NW Telecoms

Samsung (resolved by Municipal Council on 24TH November 2022 resolution number ITEM A.278/11/2022)

1. There should be consequence management on the responsible officials who did not implement previous Council resolution number A.108/03/2019 "number 12. The committee does not recommend the writing off, of the month-to-month contracts. Number 13. The municipality should not get into the month-to month contracts, all existing services which are on month-to-month should be advertised and the procurement of services with a legal service level agreement should done."
2. Failure for implementation of the above recommendation has seen the municipal UIF&W register growing. The previous EM and the MM failed to implement the council resolution. 3. The Accounting Officer to determine if the services are still needed.
4. Proper procurement processes must be followed to ensure service delivery within three months to allow for the legislated tender process to unfold
5. The have benefiting unduly, therefore, the contract should be terminated
6. The amount is not recommended for writing off.
7. The item should be referred for criminal investigation

12.6 Telkom

1. The committee could not determine if there was value for money therefore financial loss could not be determined.
2. The telephones should be pin driven with a limit for employees according to their employment levels.
3. All the Accounting Officers (substantive and/or Acting) and the Head of User departments, be subjected to a disciplinary process. All officials who have a responsibility in the procurement process should be taken for disciplinary processes (duties are segregated).
4. The item should be referred for criminal investigation

12.7 Saetec trading/ sharp

1. Both the Accounting Officer and the Head of User department, be subjected to a disciplinary process.
2. The item should be referred for criminal investigation

12.8 Ndlela data (PTY) LTD

1. The related invoices, SLA, appointment and acceptance letter proof of delivery and the bid committee reports should be submitted to the committee.

12.9 Pono security services

1. The related invoices, SLA, appointment and acceptance letter proof of delivery and the bid committee reports should be submitted to the committee.

12.10 Nalko engineers & projects

1. The related invoices, SLA, appointment and acceptance letter proof of delivery and the bid committee reports should be submitted to the committee.

12.11 Hope send trading projects

1. The related invoices, SLA, appointment and acceptance letter proof of delivery and the bid committee reports should be submitted to the committee.

12.12 Movundlela consulting

1. The MPAC recommends that members of the bid committee be subjected to disciplinary processes.
 2. The committee could not determine how much was raised by the service provide and what was the money used for. Hence financial gain could not be determined.
 3. All persons responsible for the irregular expenditure should be held liable. The MM should follow all process of financial misconduct for all employees and former employees liable.

12.13 Assets

Awaiting the financial misconduct board report to be finalised

13. That the District must improve the strategy of how communities are invited to take part in the municipal business on the basis that the community complained that they did not participate in the Integrated Development Plan (IDP), Budget, Service Delivery and Budget Implementation Plan (SDBIP) and Annual Report process:

13.1 Local Economic Development (LED) grant application processes should be workshopped with the public participating to ensure the process is known by public.

13.2 Budget and Treasury Office (BTO) must educate members of the public of how to participate in the municipality procurement process.

14. A detailed report on the expenditure of all grants should be submitted to Municipal Council.

15. That a report on the equitable share outlining variables which affect its growth should be tabled in Municipal Council. The report should include proof of attempt of the municipality to influence the increase of the grant and the indigent register of the district.

16. That the institution must improve its communication plan when it comes to issues that relate to the Annual Report by placing it at Libraries, Local newspapers, Radio Stations and add other social media devices.

17. That the Rules Committee must sit and align the functions of MPAC together with other Oversight Committees of Council and the process must be concluded before the end of this financial year.

LIST OF RESERVATIONS

1. Management did not adhere to approved timelines which therefore made it difficult for the Municipal Public Accounts Committee (MPAC) to adequately assess the submitted documents.
2. The public rejected the Annual Report of 2021/2022 as they say it was not made timeously available to them.
3. The committee still did not receive all the requested information. There are items which the committee still needs to look into.
4. The committee will continuously investigate the UIF&WE of 2021/2022 which were still outstanding during the oversight process as information submitted was incomplete.

DRKKEA RECOMMENDATION

1. That the Municipal Council adopts the Oversight Report for 2021/2022.
2. That Council approves the Annual Report 2021/2022 with reservations.
3. The Annual Report (AR) does not contain all the legislated information (refer to Check List of The Annual Report as Per Section 121 (3) of MFMA, 56 of 2003 and MFMA Circular 11 below).
4. The rest of the Annual Report components were not tabled in the Municipal Council after the adoption in January 2023. The MEC for COGTA, AG and Treasury were not informed according to Section 128 of the MFMA of the reasons which led to only certain components being tabled. The MFMA states that:

The accounting officer of a parent municipality must-

- (a) monitor whether the accounting officer of any municipal entity under the sole or shared control of the municipality has complied with sections 121 (1) and 126(2);
 - (b) establish the reasons for any non-compliance; and
 - (c) promptly report any non-compliance, together with the reasons for such non-compliance, to the council of the parent municipality, the relevant Provincial Treasury and the Auditor-General.
5. That Oversight Reports 2021/2022 be made public in accordance with Section 129 (3) of the Municipal Finance Management Act No. 56 of 2003.
 6. That Oversight Report and the components of the Annual Report 2021/2022 be submitted to the Provincial Legislature, AG and MEC for Local Government and treasury in accordance with section 132(2) of the Act.
 7. That Council hold the Executive and Management accountable for the UIF&W spent on the salaries and expired contracts of the Agency for the year under review.

Mover: Cllr L Rantekane

Seconder: Cllr S J Leslie

