



**Winnie Madikizela - Mandela LM  
Municipal Public Accounts committee  
Oversight Report  
Annual Report 2021/2022**

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## 1. Introduction

The National Treasury **MFMA CIRCULAR 32** specifically sets out practical guidance to Council and Councillors in maintaining the oversight role in the local government:

*Council is vested with the responsibility to oversee the performance of their respective municipality, as required by the Constitution, the Municipal Finance Management Act (MFMA) and Municipal Systems Act (MSA). This oversight responsibility of council is particularly important for the process of considering annual reports. Whilst, in the first instance it is left to the mayor or the Executive Committee to resolve any performance failures, ultimately the council is vested with power and responsibility to oversee both the executive and administration.*

## 2. Municipal Public Accounts Committee – MPAC

The Municipal Public Accounts Committee (MPAC) was established in order to provide broad oversight role regarding the manner in which financial and other administrative matters are handled within in Winnie Madikizela Mandela Local Municipality.

Municipal Public Accounts Committee established in terms of Section 79 of the Municipal Structures was consists of the following members;

1. Cllr N.P. Mavundla - Chairperson
2. Cllr A Maquthu - Committee Member
3. Cllr Z H Dyarvane - Committee Member
4. Cllr N Sikibi - Committee Member
5. Cllr K Zinya - Committee Member
6. Cllr B.W Mangqalaza - Committee Member
7. Cllr P Nophinga - Committee Member

### **3. Background**

The Annual Report 2021/2022 financial year was tabled before Municipal Council on the 30 January 2023 in terms of Section 127 (2) of the Municipal Finance Management Act (MFMA) No 56 of 2003, it prescribes that "The Mayor of a Municipality must, within seven (7) months after the end of the financial year, **table in the Municipal Council the Draft Annual Report of the Municipality**". The Municipal Council further resolved that the report be referred to MPAC for oversight.

The Annual Report must be prepared in accordance with the requirements of section 121 of the MFMA and the Council must within two (2) months after the Annual Report has been tabled, consider it and produce an Oversight report on the Annual Report in accordance with section 129 of the same Act.

The Annual Report has been compiled in accordance with the statutory provisions of MFMA Section 121 and in accordance with the guidelines contained in the MFMA Circulars No 11, 32 and 63 and it was tabled before the Council in accordance with section 127 provisions.

Following the noting of the Draft Annual Report 2021/2022 by Council, it was made available for inputs and comments from public, Councillors, Officials and Stakeholders. The report was advertised on municipal website and all role players were given the opportunity to comment. A copy was made accessible at the Mbizana Library. The Municipal Manager also submitted the Annual Report to the Auditor General, National Treasury and Provincial Treasury and Department of Cooperative Governance and Traditional Affairs, Eastern Cape Province.

### **4. Municipal Public Accounts Committee Meetings & Training**

As part of empowering the members of the committee over their roles and responsibilities, training for MPAC members and officials was conducted by CoGTA and SALGA on 13 to 15 February 2023 and all members attended the workshop.

On the 01 March 2023 an MPAC oversight session with the Senior Management was convened to, review, analyse and discuss all components of Annual Report.

## 5. Oversight Assessment

During the MPAC oversight session to consider the Annual Report, below were the deliberations and clarities provided to the meeting.

### 5.1. Draft Annual Report Analyses

#### KPA NO1- SERVICE DELIVERY – ENGINEERING SERVICES

Questions	Responses	Comments
Was the Road Maintenance covering 13.2 km with the budget of R12.6 million done with internal plant or outsourced?	The 13.2.km maintenance was done through outsourcing	Internal Plant Machinery must have a clear plan / roster of wards being maintained and also management should ensure that repairs and maintenance of the plant does not take long, for it to be back on track.
Clarity on the constructed 12.6 new kilometres of access roads construction of new road vs presentation of 13.2 km	The management verified the discrepancy of the KMs with a response of 12.6 KMs done which was the Audited number of KMs.	The response was noted by the members of the meeting as being a tying error
Is the municipality's internal plant effective enough to be able to handle work load, and what measures were put in place in this regard?  The municipality should stick to the proper plan of internal plant.	The internal plant was effective and it benefits the organisation and community. It is used to maintain prioritised roads by Executive Committee but at times it does not follow the plan due to emergency interventions and breakdown failure	Management must find a mechanism that will ensure a speedy repair of machinery breakdowns
<b>Mqonjwana Access Road to Greenville</b>  The scope of proper plan and relevant documents should be done through user department to avoid improper structures and bridges.	The scope of works that was initially planned had to be amended to cater for other additional works due to floods. Management will re-scope the project for implementation during 2023/24. The community was consulted and on the challenges of the project,	The management must conduct due diligence on project technical plans to avoid failures during projects implementation due to poor designs.

<p>Clarity on Mqonjwana to Greenville access road was sort that it was visited during the last project verification and it was recommended that the road should be reconstructed.</p>	<p>The project was considered and planned to have additional works and more resources to cover the recommendations of the committee.</p> <p>A request for approval of additional funding to Executive Committee will be submitted during draft budget so that the project can be continued during 2023/2024.</p>	<p>The project must be recorded as incomplete on the report as it is reported to have additional works during 2023/24 FY</p>
<p><b>Mphuthumi Mafumbatha Stadium:</b></p> <p>The difference of R 53 million and R73 million for the project was a concern also a question was is how did the municipality fund the project,</p>	<p>The difference was reported during financial year 2018/19 and was dealt with by Council. This resulted in the revision of scope for the project without a change to the award value. It was further resolved that a second phase to the project be consider in future financial years.</p>	<p>The municipality through management must avoid such weaknesses in the future. The exercise of due diligence must be done on all projects to be implemented.</p>
<p>Clarity was sort on extention of contract with 18 months but still not completed.</p>	<p>The project was for 3 years but there were insufficient funds for it, also delays were encountered during the intense years of Covid 19 as well as April 2022 disaster floods impacted on the project. It is allowed to correct the BoQ but the contract price must not be change. Variation Orders percentage differs as per the project works to be done through the VO but must be within the prescribed limit of 20%.</p>	<p>The grounds of the extension were noted by the committee.</p>
<p><b>Mbizana Civic Centre</b></p> <p>What are the major challenges with the sub- contractors in the project besides the legal dispute under consideration?</p>	<p>Sub-contractors have challenges such as the quality of work being assessed as below standard, not having financial</p>	<p>Capacitation of sub-contractors must be an ongoing project.</p>

	capacity to provide bulk material during construction.	
Clarity status was sort on the Majazi landfill site	The project was delayed by the failure of the previous contract of the Dept of Environmental Affairs. The municipality is now negotiating with the community in order to resume with project implementation during this financial year.	More social facilitation is needed from the leadership of the municipality in order to ensure successful implementation of the project.

**KPA No 3: Service Delivery: Development Planning and LED**

Challenges of LED infrastructure that were stated on the report were the same challenges that were discovered during 2020-2021 project verification?	The LED project infrastructure challenges ranges from poor condition of access to the project, shortage of supporting infrastructures such as water, delivery vehicles to assist farmers to sell their crops, buildings used not being suitable for the production, etc.	The committee noted the response with emphasis on the need to continue supporting projects with job creation potential.
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**5.2. AUDIT REPORT 2021/2022 AND AUDIT ACTION PLAN ANALYSES**

The municipality again during the financial year 2021/2022 managed to receive the Unqualified Audit Report with no findings (Clean Audit) from the Auditor-General of South Africa. The following are some of the findings that did not affect the audit but requiring attention of the municipality:

- Material Impairments- Impairments relating to receivables from exchange transactions, the municipality reported a material impairment of R17,3 million as a result of irrecoverable debtors.
- Restatement of corresponding figures – The corresponding figures for comparative year were restated as a result of an errors in the financial statements of the municipality

### Comments of Audit Action Plan

Questions	Responses	Comments
Who is responsible for verification of documents?  Audit findings picked a bid with incorrect figures that was awarded. Bid assessors missed to discover that the documents were incorrect, is there an investigation done?	It was responded that arithmetic error do not constitute crime, municipality should strengthen the re-calculation and verification of bid documents before finalising recommendations.	Management must continue to improve internal controls to avoid such findings.
What is the plan to recover the pre - payments made to service provider?	The pre -payment was done in order to assist SMME's and shall be balanced before final account is issued.	Management is encouraged to eliminate such practices.
Is there a clear plan to check if the funds could be recovered from municipality debtors?	It was the projection of debt collection and Auditor general wanted to know if there were measures put in place to recovery debts and what areas to focus on to ensure loss control.  Council further implemented a debt amnesty in an attempt to collect more money.	More measures must be implemented in order to collected more debt.

### 5.3. PROJECT VERIFICATION AS PART OF OVERSIGHT

On the 06 and 07 March 2023 the MPAC members and support staff visited projects to conduct verification of what was reported on the Draft Annual Report. The purpose of these visits was to do quality check in terms of ensuring that services that are rendered to the community are equal to the value of money spent. Below are visited projects and committee findings:

Project	Observations and Findings	Recommendations
Mapheleni Access Road	Observations: Mapheleni Access Road has water crossing from Dutyini direct to	It is recommended that V-drains be provided as the additional Work on the project.



	slab and it causes soil erosion on both sides of the slab.	
Lubekelele Access Road	Observations: The project started during 2020/2021 FY and the bulk of work done during that period then completed during the first quarter of 2021/22 it is in bad condition needs maintenance.	It is recommended that: The access road with the bridge be maintained as it was affected by April 2022 floods.
Ward 4 Community Hall	Observations: The community hall structure was satisfactory only additional work is needed in order to be user friendly.	It is recommended that: Retaining wall be done. Pavement on the premises as well as electrification of the community hall.
Leonard to Simakadeni AR	Observations: Road in good condition only the ditch drain noticed to be too deep, it needs attention.	It is recommended that: The ditch drain be provided next to Madlala homestead towards Leonard stop.
Mphuthumi Mafumbatha Stadium	Observation: Soccer Teams are playing whilst the project not completed and handed over officially.  The use of the stadium for practise will compromise the life span of the artificial turf.  Grand stand accommodates approximately 400 ppl, during matches it become over crowded.	It is recommended that: 1. Clubs to utilise the Stadium during matches not practise and negotiate with Bizana Village for utilisation of ground for teams practise. 2. Additional Grand Stands be considered by council. 3. Maintenance plan be developed to avoid bad publicity after completion of the project 4. Proper fencing to avoid community members to make alternative crossing from browns wholesale and bringing of alcohol into the stadium.

		<p>5. Tuck shop allocation be transparent on how to qualify to do business there.</p> <p>6. Completion of Tennis Courts and Netball Ground be fast tracked.</p>
Taxi Rank (Phase 1)	<p><b>Observations:</b></p> <p>The project is satisfactory but the attention should be given to sewer infrastructure needs.</p> <p>The entrance steel post was damaged and was not reported to the municipality for joint intervention with taxi associations.</p>	<p><b>It is recommended that –</b></p> <ol style="list-style-type: none"> <li>1. ANDM to allocate the honey sucker.</li> <li>2. Taxi association should report on the incidents on the infrastructure and should take responsibility of damages.</li> <li>3. Proper supervision of EPWP employees at taxi rank should be done.</li> <li>4. Waste Collection Kia Mini Truck condition is inexcusable state municipality to prioritise major repairs</li> </ol>
Civic Centre	<p><b>Observations:</b></p> <p>The work done on the project so far satisfactory.</p>	<p><b>It is recommended that:</b></p> <ol style="list-style-type: none"> <li>1. The remaining 20% of the work to be done on the site be fast tracked and be completed before end of current financial year.</li> <li>2. O R Tambo Statue be cleaned and covered again during the construction works.</li> </ol>

		3. New contractor to take action on the wall which looks hazardous.
ECDC ward 1	Observation: Good work done	It is recommended that: Hand over of the project to be done to community for usage
Maintenance of Municipal Building	Observation: Work was done satisfaction	None
CBD Pothole Patching	Observation: Every financial year there is budget for potholes patching over a million. An alternative long - term plan should be considered by Council.	It is recommended that: - 1. Allocation of EPWP team to look at drains in town – specifically be considered.
Electrification projects	Number of households reported was accurate only households built after starting of the project were left out.	It is recommended that: Remaining households be included on infills.

#### LED PROJECTS

Lecolin Green Project	Observations: The project needs water irrigation scheme to assist in having crops continuously.	It is recommended that: Supporting department to assist the project to look at water provision plan as there are water taps in that areas of Ludeke Village.
Moonlight Aluminium	Observation The project does exist and doing well, only concern was the change of name to be Glass Fit. The founder passed away and there was a dispute amongst the members:	It is recommended that: Verification be done on the company in moving from one owner to another using the same name. To verify correct name of the company for proper naming, and the LED department assist to upgrade the name into current name used.

## 6. Concluding Comments


Looking at the demand for basic services such as roads, water, electricity at the level of local municipality, Councillors should also assist in educating communities that the municipality does not generate enough revenue to provide these services to the fulfilment of the demands as the grants funding allocation from MIG, INEP and Equitable Share funds are not enough. Lastly the municipality having received clean audit opinion for two years in a row must equally reflect on the quality of service delivery work done on the ground.

## 7. Recommendations to Municipal Council

On the motion of Councillor A. MAquthu seconded by Councillor N Sikibi it was recommended that:

1. The Oversight Report on the Annual Report 2021/2022 financial year be considered and approved by Council.
2. That the Annual Report 2021/22 financial year complies with the MFMA, Municipal Systems Act and all the guiding Circulars and Checklist issued by National Treasury and CoGTA, and therefore;
3. That the Annual Report 2021/2022 be is hereby recommended for approval by the Municipal Council without reservations.
4. That the municipality continues to improve project planning and implementation in order to maximise value for money and quality service delivery.

Signed by



Cllr N P Mavundla  
MPAC Chairperson



**Winnie Madikizela - Mandela LM  
Municipal Public Accounts committee  
Oversight Report  
Mid- Year Performance Report 2022/2023 FY**

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### 1. INTRODUCTION AND PURPOSE

The purpose of the report is to bring before the Council the MPAC oversight report on the reported Mid - Year Performance Report 2022/2023 FY for approval.

### 2. BACKGROUND AND RATIONALE

The Mid Year Performance Report was tabled before Council on the 30<sup>th</sup> January 2023 for consideration and recommendations. The Council resolved that the Mid – Year Performance Report 2022/23 FY be referred to MPAC for interrogation of the report be submitted to Council for adoption.

### 3. STATUTORY COMPLIANCE

The report was also prepared as a response to the provisions of Section 52 of Local Government: **Municipal Financial Management Act 56 of 2003**, which provides that:

- the Mayor must within 30 days of the end of each quarter, submit a report to council on the implementation of the budget and the financial state of the municipality;
- the Accounting Officer, while conducting the above, must take into account:
- Section 71 Reports;
- Performance in line with the Service Delivery & Budget Implementation Plans.

#### **Furthermore:**

In accordance with the Terms of Reference of MPAC approved by Council, the committee has a responsibility to play oversight work over the reported performance and report back to Council.

### 4. MEETINGS

MPAC meeting was convened on the 02 March 2023 to conduct Oversight on Mid - Year Performance 2022/2023 FY. The committee was satisfied that the report was prepared as per the provisions of Section 52 of Local Government: Municipal Finance Management Act 56 of 2003 as well as sec 72 of the Local Government: Municipal Finance Management Act No 56 of 2003 which provides that, the Mayor must within 30 days of the end of each quarter, submit a report to council on the implementation of the budget and the financial state of the municipality. The report encompassed and summarized respective departmental performance from July – December 2022. The format of the report was compliant with the approved 2022/2023 Service Delivery and Budget Implementation Plan that was approved by the Honourable Mayor in June 2022.

## 5. MID – YEAR PERFORMANCE REPORT 2022/ 2023 FY

### Institutional Performance Against Targets

DEPARTMENTS	TOTAL NUMBER OF TARGETS	TARGETS REPORTED	TARGETS ACHIEVED	TARGETS NOT ACHIEVED	ACHIEVEMENT PERCENTAGE	PERFORMANCE COLOUR CODE
ENGINEERING SERVICES	26	26	18	8	69%	
COMMUNITY SERVICES	44	44	31	13	70%	
DEVELOPMENT PLANNING	31	31	24	7	77%	
CORPORATE SERVICES	29	29	23	6	79%	
BUDGET & TREASURY OFFICE	35	35	32	3	91%	
MUNICIPAL MANAGER'S OFFICE	38	38	33	5	87%	
OVERALL PERFORMANCE	203	203	161	42	79%	

## 6. OVERSIGHT ASSESSMENT OF THE MID YEAR PERFORMANCE REPORT

### KPA No 1: Service Delivery: Engineering Services

Questions	Responses
Clarity on progress of Tshayingca road, because on the last verification it was recommended that it should be done since it was not good quality	The Tshayingca was allocated under the CBD maintenance not the upgrade of street. The upgrade of Tshayingca will be done in the next financial year.
The issue regarding the non-responsiveness, what should be done, or there should be a change in strategies to get better performance	There is a new trend of fraudulent documents attached on tenders and the Auditors are very strict on thorough checking of validity of compliance attachments before appointment, the only way is to continue to provide trainings the service providers.  The BBEEE's of preferential of regulations have been amended and it was proposed that after advertising three



	times and not attaining responsive bidders other option through policy is to appoint starting from the lowest bidder.
What is the long-term plan for maintenance of stadium and is there consideration of having both major projects to operate in a manner to generate revenue?	Operational Plan is being developed by community services looking at outsource the function or add personnel with joint venture of caretaker to take care of both projects. The plan will be presented to council structures before implementation.
Progress on progress at the Civic Centre was sort by the members of committee	A new Consultant has been appointed to oversee the completion of the remaining works working with the initial contractor. The project is at 20% towards completion.
Will the SMME" s be included during this phase as it was previous reported to have caused some delays due financial viability.	The contractor requested that SMME's be excluded in the period from his return to June 2023 or to use his discretion in order to fast-track the process.
What is the update on Rehabilitation of Matshezini Access Road	Contractor has been appointed and commenced rehabilitation works and is at 85% of the works, Within two weeks Matshezini access road would be completed.
Is it possible for MPAC to be engaged at the planning stages of projects in order to understand what was the scope of work during their oversight?	The MPAC members aere not allowed to be part of day to day planning as they were not part of standing committee, if they were part of planning it would compromise them to investigate something that they were part of from the planning. Members will be provided with all necessary documentation giving scope of work when visiting the projects in order to have information on what to oversight.

## KPA NO 2: SERVICE DELIVERY: COMMUNITY SERVICES

Questions	Responses
Subsidizes 5500 qualifying beneficiaries with grid electricity and 5150 with FBAE.  What caused the set target not to be achieved and a recommendation was to revise the target?	A target is a plan not the actual performance and there are contributing factors beyond the control, hence reviewal of the target in order to be achieved in the annual performance.

	The Adjustment of the target was to be in line with realistic figures as per the trend during the adjustment budget.
Purchase of change room containers Why consideration of container instead of building a structure as change room.	Permanent structure will be considered when community services is allocated offices as it might be out of the current municipal premises which will need land approval. The container is adding on the converted garage opposite electricity section, will provide change rooms, showers for refreshing of employees before going home.
Majazi landfill Site What is the progress on the project	Meetings with land committee are on going but it was clear that the conditions of getting the land were not realistic. There is a need for strong social facilitation when the project resumes. The consultant was appointed but not yet started the work, still on designs stage. The budget which was allocated for the project was released during budget adjustment as the project have not started yet. There is an alternative site identified at ward 4 but municipality to seek funding from the district for that project.

## 7. OBSERVATIONS AND FINDINGS

- None responsiveness of bidders remains a major delay in achievement of targets on time.
- A written agreement should be signed by Municipality with Majazi land committee on new conditions on using the site going forward.
- Civic Centre Contractor should be afforded an opportunity to use his discretion on how to utilise SMME's services in order not to delay completion.
- Periodic repairs and maintenance of Municipal buildings to include council chamber maintenance.
- Revision of some targets due to various contributing factors and sometimes loose control systems leads to none achievement of set targets.
- Controls on management of confidential information needs improvement to avoid unauthorised SCM information taken to social media platform.
- VIP Personnel to Political Office Bearers needs to improve dress code especially when attending official events and ceremonial.

## 8. RECOMMENDATIONS

On the motion of Councillor N Sikibi seconded by Councillor K Zinya it was recommended that:

- MPAC upon consideration of the Mid - Year Performance Report 2022/2023 FY makes recommendations to Municipal Council for adoption.

Signed by



Cllr NP Mavundla

MPAC Chairperson



**Winnie Madikizela - Mandela LM  
Municipal Public Accounts committee  
Oversight Report  
Report on Resolution Implementation**

# Winnie Madikizela-Mandela Local Municipality

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**SUBMISSION TO: COUNCIL**

**DATE: 31 MARCH 2023**

**KPA: GOOD GOVERNANCE AND PUBLIC PARTICIPATION**

**SUBJECT: REPORT ON RESOLUTION REGISTER**

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## 1. PURPOSE

The purpose of the report is to give progress to municipal council on the implementation of resolutions take been between November 2021 to June 2022 for noting.

## 2. BACKGROUND AND RATIONALE

The Council meeting held on the 09 December 2022 considered the resolutions register for the period November 2021 to June 2022. A resolution was taken that the MPAC conduct oversight on the resolutions not implemented and report back to Municipal Council with recommendations. Resolution register reflects the information in a form of the dates of meeting, agenda items, resolutions taken, responsible department and progress to date on the implementation of the resolution.

The MPAC Meeting held on the 23 March 2023 interrogation of the document was conducted and responses were provided upon the resolutions taken by council during the period mentioned above which were 134 with 6 resolutions pending to be implemented.

### Resolutions Update

Resolution	Reported Progress	Update to date	Recommendation
Council to consider the future construction of a Chapel and a Crematorium at the town cemetery (Ward 1) for mixed cemetery services and revenue collection.	Community Services	Resolution was for consideration by the department in the near future.	A need and feasibility study to be undertaken especially on crematorium prior submitting a report to council.

Proposed Winnie Madikizela-Mandela statue to be erected at the Mbizana Civic Centre was approved by the Municipal Council under legacy projects and be budgeted for in 2022/2023 financial year	Engineering Services	Not yet Implemented, Civic Centre project still underway with anticipated completion before end June 2023.	The project to be implemented after completion of the constructions to avoid damaging the statue.
<b>Identification of Special Economic Zone (SEZ)</b> Upon voting the motion was not adopted by as it needs a huge land and the motion does not have specifics and the matter has been treated as pre-mature and unrealistic	Development Planning	Resolution was voted against the implementation.  No action required	N/A
<b>Establishment of Municipality Entity</b> Upon voting the motion was not adopted by council but further recommended that IGR structure should be strengthened as the entity already exist in Alfred Nzo District Municipality.	Council	Resolution was voted against the implementation.  No action required	N/A
In future to consider utilizing ward based unemployed graduates to fast track the assessment process during disaster occurrence.	Community Services	Resolution was for consideration by the department when the need arises.	The resolution to be implemented during future assessment
ICT Risk Management and Control Framework	Corporate Services t	ICT Risk Management & Control Framework workshop to be conducted during Council Strategic Planning Session in April 2023.	N/A

### 3. STRATEGIC IMPLICATIONS

The progress on implementation of resolutions taken by municipal council appraise the council with progress on decisions taken and obtain further interventions on those not yet implemented.

### 4. LEGAL / STATUTORY IMPLICATIONS

- Winnie Madikela – Mandela Local Municipality Standing Rules and Orders of Council – Rule 69.

### 5. FINANCIAL IMPLICATIONS

None

### 6. COMMUNICATION IMPLICATIONS/ PUBLIC RELATIONS

The Senior Managers were consulted seeking progress on resolutions taken by council.

### 7. OTHER PARTIES CONSULTED


Institution/ Officer consulted	Response/ Viewpoint
Heads of Departments	Provided progress on implementation of resolutions.
MPAC Members	Welcomed the responses provided

### 8. RECOMMENDATION

On the motion of Councillor A Maquthu seconded by Councillor N Sikibi it was recommended that: -

- Council Notes the report on implementation of council resolutions with its recommendation.

Signed by



Cllr N P Mavundla

MPAC Chairperson

**MINUTES OF THE**

**ORDINARY COUNCIL**

**OF THE**

**09 DECEMBER 2022**