



***CONFIDENTIAL***

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**AGENDA**  
for an  
**ORDINARY MEETING**

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**MANGAUNG  
METROPOLITAN  
MUNICIPAL COUNCIL**

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

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**THURSDAY  
DECEMBER 19, 2019  
AT 14:00**

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**MANGAUNG  
METROPOLITAN  
MUNICIPALITY**

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**MANGAUNG METROPOLITAN MUNICIPALITY****Bram Fischer Building  
BLOEMFONTEIN****DECEMBER 5, 2019****ALL MEMBERS OF THE METROPOLITAN MUNICIPAL COUNCIL OF THE  
MANGAUNG METROPOLITAN MUNICIPALITY**

Ladies and gentlemen

Notice is hereby given in terms of the provisions of  
Section 29(2) of the Local Government:  
Municipal Structures Act, 1998 (Act No 117 of 1998) and  
Rule 6.1 of the Council's Standing Rules and Orders that

**SPECIAL MEETING OF THE  
MANGAUNG METROPOLITAN MUNICIPAL COUNCIL**

will be held in the

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

On

**THURSDAY, DECEMBER 19, 2019**

at 14:00

To consider the items as set out in this agenda.

  
.....  
**CITY MANAGER  
ADVOCATE TB MEA**  
.....  
**SPEAKER  
COUNCILLOR MA SIYONZANA**

**Note by Secretariat**

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

Attendance at Meetings: A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when:

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

**6. Meeting rules:**

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

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**AGENDA**

**(OPEN COUNCIL)**

**125.  
OPENING**

**126.  
NOTICE OF THE MEETING**

**127.  
APPLICATIONS FOR LEAVE OF ABSENCE**

**128.  
ACCEPTANCE OF THE AGENDA**

**129.  
ANNOUNCEMENTS**

**129.A  
MOTION OF SYMPATHY AND CONGRATULATIONS**

**130.  
CONFIRMATION OF MINUTES**

**Ordinary meeting: Thursday, October 31, 2019**

131

**REPORTS OF THE EXECUTIVE MAYOR****131.1****DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF COUNCILLORS 2019/2020**

**Annexure:** Report dated November 28, 2019 received from the City Manager and approved by the Executive Mayor.

**RECOMMENDATION**

- (a) That the Council mandate the Executive Mayor and the City Manager to proceed with the implementation of the determination of upper limits of salaries, allowances and benefits of Councillors as gazetted by the National Minister and in concurrence with the MEC for Cooperative Governance and Traditional Affairs;
- (b) That the Council note that Sufficient budgetary provisions had been made in the Mangaung Metropolitan Municipal Council budget for the 2019/2020 financial year for payment of the salaries, allowances and benefits of Councillors and
- (c) That feedback relating to the determination of upper limits of salaries, allowances and benefits of Councillors, be provided in the next ensuing meeting of the Mangaung Metropolitan Municipal Council.

**131.2****ESTABLISHMENT OF ICT DIGITAL INCUBATION HUB IN BOTSHABELO INDUSTRIAL PARK, 9 PINK STREET, BOTSHABELO**

**Annexure:** Report dated November 20, 2019 received from the HOD: Economic and Rural Development, recommended by the City Manager and approved by the Executive Mayor.

**RECOMMENDATION** that Council

- (a) Take note of the contents of the report.
- (b) Take note of the R5 million external support leveraged for the establishment of ICT Digital Incubation Hub in Botshabelo.
- (c) Grant permission to reserve an amount not exceeding R3 million through 2019/2020 Adjustment Budget appropriations for the ICT Digital Incubation Hub operational costs in Botshabelo subject to the approval of itemised costing.

**131.3****MMM COUNCIL PARTICIPATING IN SALGA SMALL TOWN REGENERATION PROGRAMME THE CASE OF WEPENER, VAN STANDENRUS AND DEWETSDORP**

**Annexure: Report dated October 18, 2019 received from the HOD: Economic and Rural Development, recommended by the City Manager and approved by the Executive Mayor.**

**RECOMMENDATION** that Council

- (a) Take note of Small Towns Regeneration programme managed by the South African Local Government Association (SALGA).
- (b) Approves the participation of the Mangaung Metropolitan Municipality in SALGA STR programme.
- (c) Approve the establishment of the STR Stakeholder Committee in the form of a Steering Committee to be chaired by MMC for Planning and Economic Development of Mangaung, Councillor Vuyelwa Jonas-Malephane and to be constituted by one political representative from Economic Development Section 80 Committee members, ward Councillors, Heads of community, community organisations, SALGA, SEDA and others as Council may deem fit.
- (d) Appoints MMC for Planning and Economic Development of Mangaung, Cllr Vuyelwa Jonas-Malephane as the political champion and chair to the Steering Committee.
- (e) Approves the adoption of Wepener, Van Stadensrus and Dewetsdorp as the typical small towns suitable for the programme.
- (f) Approves the attached Terms of Reference for the Steering Committee.
- (g) Permit the City Manager to develop and submit for Council approval a comprehensive business plan that guide spatial and socio-economic transformation of the town of Wepener based on engineering infrastructure improvements, livestock quality improvement, and business precinct renewal.
- (h) Be informed of the quarterly, mid-year and annual progress as regard the implementation of the Business Plan.



## 131.4

**AVAILING COUNCIL PROPERTY: PORTION OF ERF 7878, NAMIBIA EXTENSION 24 (PAPAG), MANGAUNG FOR THE CONSTRUCTION OF THE MICRO-RETAIL PARK IN COLLABORATION WITH DEPARTMENT OF ECONOMIC DEVELOPMENT, SMALL BUSINESS DEVELOPMENT, TOURISM AND ENVIRONMENTAL AFFAIRS, LETSATSI POWER PROJECTS AND THE MMM COUNCIL**

**Annexure: Report dated November 20, 2019 received from the HOD: Economic & Rural Development, recommended by the City Manager and approved by the Executive Mayor.**

**RECOMMENDATION**

It is recommended that the Mangaung Metropolitan Municipal Council approves:

- (a) That the land (Portion of Erf 7878, Namibia, Extension 24, Mangaung) be availed for the project as contained in the signed MOU (i.e. the development of Micro-Retail Park) as a contribution of the Mangaung Metropolitan Council to the revitalization the township economy as well as progressive SMME business and enterprises development in the metro;
- (b) That the three (3) parties, viz. Mangaung Metropolitan Municipality, Destea and Letsatsi Power Project must enter into a Land Availability Agreement which shall state that the use of the property (i.e. Portion of Erf 7878, Namibia Extension 24, Mangaung) shall be used exclusively as SMME Micro-Retail Park and that SMME's shall lease retail space within the Park;
- (c) That ownership of the land shall remain with the Mangaung Metropolitan Municipality;
- (d) That Mangaung Metropolitan Council approves the in-kind contribution (bulk and link services, and availing land) to the value of R1 066 750.11 as a commitment to the partnership;
- (e) That Letsatsi Power Project shall have management and control of the facility (Micro-Retail Park) in the form of entering into a Retail Park Management and Control Agreement with the Municipality for the purpose of rendering support to the end users (SMME's);
- (f) That the Retail Park Managing company shall have the right to charge the tenants for the cost of maintenance, control and security costs;
- (g) That the above-mentioned management and control should specifically be on and around issues of maintenance and security of the Micro Retail Park;
- (h) That such Lease Agreements for the retail spaces be direct between the Municipality and the leasing SMME's;
- (i) That the land tenure arrangement be such that the SMME's concerned have a direct relationship with the Mangaung Metropolitan Municipality through a short-term lease agreement;

- (j) That notwithstanding the date of approval, the construction commencement date be the first day of the month following the Council approval;
- (k) That the beneficiaries of the project (SMME's) be provided with pre-paid water and electricity metres and
- (l) That the right to advertise within and around the Micro-Retail Park shall remain the responsibility of the Mangaung Metropolitan Municipality.

### **131.5**

#### **PROGRESS REPORT ON THE IMPLEMENTATION OF THE FINANCIAL RECOVERY PLAN AS AT END NOVEMBER 2019**

**Annexure: Report dated November 27, 2019 received from the City Manager and approved by the Executive Mayor.**

#### **RECOMMENDATION**

It is hereby recommended that Council:

- (a) Takes note of the progress to date on the implementation of Financial Recovery Plan as at end November 2019.
- (b) The City Manager submit the progress report to National Treasury as part of the monthly progress report.

### **131.6**

#### **IRRECOVERABLE DEBT AND CONSEQUENCE MANAGEMENT RELATING TO HISTORIC TRAFFIC FINES**

**Annexure: Report dated December 11, 2019 received from the HOD: Social Services, supported by the City Manager.**

#### **RECOMMENDATION**

- (a) That Council take note of the report.
- (b) That Council writes off traffic fines and irrecoverable debt to the value of R15 558 520.50.
- (c) That Council note that Directorate has initiated a consequences management process through disciplinary action against implicated officials within the Traffic Division.

**131.7****MANGAUNG METROPOLITAN MUNICIPALITY: OBLIGATORY MEMBERSHIP OF THE MANGAUNG FIRE PROTECTION ASSOCIATION IN TERMS OF THE NATIONAL VELD AND FOREST FIRE ACT**

**Annexure: Report dated December 6, 2019 received from the HOD: Social Services, supported by the City Manager.**

**RECOMMENDATION**

It is recommended that:

- (a) The membership by the Mangaung Metropolitan Municipality of the Fire Protection Association, registered in terms of Section 4(2) of the National Veld and Forest Fire Act, Act 101 of 1998, on the 16<sup>th</sup> October 2017 by the National Minister of Agriculture, Forestry and Fisheries, as stipulated by Section 4 (7) of the National Veld and Forest Fire Act, No 101 of 1998.
- (b) The payment of the annual membership fee as determined by the Mangaung Fire Protection Association currently calculated at R0.08 per hectare of municipal area reduced by 5.5% to provide for urban areas not prone to veldfires and amounts to R74 745.76 (934 322 X R0.08) for the 2019/2020 financial year to the Mangaung Fire Protection Association against vote number 5601230452026MRCZZ12 (Professional Bodies Membership and Subscription) and
- (c) The conclusion of an agreement between the Mangaung Metropolitan Municipality and the Mangaung Fire Protection Association, in terms of which agreement the Mangaung Metropolitan Municipality will be assisted by the Mangaung Fire Protection Association with all aspects of veldfires prevention and veldfire fighting and any matter related to veldfire as intended by/provided for in the National Veld and Forest Fire Act, Act 101 of 1998.

It is recommended that Council notes:

- a. The Constitution and Rules of the Mangaung Fire Protection Association attached to this report as annexure "B" and annexure "C" respectively as well as the representatives of the Mangaung Metropolitan Municipality on the Mangaung Fire Protection Association.

**131.8****ENHANCED INTERNAL CONTROLS FOR ACCURATE RECORD KEEPING OF FINES**

**Annexure: Report dated December 11, 2019 received from the HOD: Social Services, supported by the City Manager.**

**RECOMMENDATION**

- (a) That the Council notes the contents of the report.
- (b) That Council approves these control measures.

132

**REPORTS OF THE SPEAKER**

NONE

133

**REPORTS FROM MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

133.1

**ANNUAL WORK PLAN OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

**Annexure:** Report dated November 28, 2019 received from the Chairperson of MPAC.

**RECOMMENDATION** that the Council approve the proposed work plan for the 2019/2020 financial year.

133.2

**MUNICIPAL PUBLIC ACCOUNTS COMMITTEE OVERSIGHT REPORT ON THE 2017/2018 ANNUAL REPORT**

**Annexure:** Report dated November 28, 2019 received from the Chairperson of MPAC.

**RECOMMENDATION**

Having thoroughly considered the contents of 2017/18 annual report and the findings of the Auditor General for the year under review, it is therefore recommended by the MPAC that:

- 8.1 Council adopt the Oversight Report together with the responses received from the City Manager on the 2016/17 Annual Report;
- 8.2 In line with Section 129 (1) Council approve the 2017/18 Annual Report with reservations; and
- 8.3 That council pass the following resolutions of MPAC:

**8.3.1 Resolution 1/2019 – ICT Environment**

Annual financial statements were not submitted to the Auditor General within two months after the end of a financial year, this is a direct contravention of section 129 (1) of the MFMA. This is attributed to poor ICT internal controls which led to a server crash, subsequently resulting in the delayed tabling of the 2017/18 Annual Report and consequently the submission of the Oversight report.

The Accounting Officer must provide the MPAC with a detailed report on what led to the crashing of the server, how much revenue was lost as a result of not being able to bill rate payers and receive payments alike, the disciplinary measures taken against responsible officials and lastly, what corrective measure have been put in place to ensure that the institution's server is secure to avoid such an occurrence in future.

### **8.3.2 Resolution 2/2019 – Audit Action Plan**

The Accounting Officer must provide the MPAC with the Municipality's audit action plan within seven working days of the tabling of this report.

### **8.3.3 Resolution 3/2019 – Contracted Consultants**

The Accounting Officer must provide the MPAC with a report containing names on all the consultants whose services the municipality made use of during the year under review, type of service rendered, the duration of the services, and monies paid to the consultants for services rendered.

### **8.3.4 Resolution 4/2019 – Implementation of the Audit Action Plan**

The Accounting Officer must provide the MPAC with a progress report on the implementation of the audit action plan on a quarterly basis.

### **8.3.5 Resolution 5/2019 – IT Steering Committee**

The Accounting Officer must provide the MPAC with a report on the functionality of the IT Steering Committee and provide minutes of the meetings that took place during the year under review.

### **8.3.6 Resolution 6/2019 – Borrowings**

Note 24 of the Annual Financial statements indicates that loans were sourced from ABSA, The Development Bank of South Africa and Standard Bank of South Africa Limited.

The Accounting Officer must submit a comprehensive report on how these acquired loans have served the purpose for which they were intended. The report should also detail why the City could not meet its contractual obligations with regard to defaulting on the DBSA repayments.

### **8.3.7 Resolution 7/2019 – Deduction of monies owed by Councillors and Officials/Employees**

According to resolution 7/2018 of the 2016/17 Oversight Report, the Accounting Officer was to ensure that arrangements were made with Councillors and officials/employees for the debiting of outstanding monies owed in respect of rates and services on a monthly basis. A quarterly report was to be submitted to the MPAC in this regard. This resolution was not implemented.

The Accounting Officer must provide a report on why the resolution was not implemented as the status quo remains with regards to the non-payment of services by Councillors and municipal officials

#### **8.3.8 Resolution 8/2019 – 2017/18 Annual Report**

The Risk Management division must investigate all targets not reached as documented in the annual report for the year under review and report to the MPAC within 60 days of the tabling of this report.

#### **8.3.9 Resolution 9/2019 – Unauthorised, irregular or fruitless and wasteful expenditure**

The Auditor General has reflected on the lack of consequence management in the municipality over the years. Note 65, 66 and 67 indicate that no disciplinary action has taken place for unauthorised, irregular or fruitless and wasteful expenditure incurred

As previously resolved in the 2016/17 Oversight report, the Accounting Officer must compile a separate action plan for the reduction and curbing of incurring these expenditures and submit to the MPAC within 30 days of the tabling of this report.

#### **8.3.10 Resolution 10/2019 – Government grants and subsidies**

Note 39 to the annual financial statements states that the Neighbourhood development grant of R 10,000,000 was withheld by National Treasury due to slow implementation of the projects related to the grant. The grant is to be used for the development of urban network plans, to improve the quality of life and access of residents in under-served neighbourhoods.

The Accounting Officer must provide the MPAC with a report on why projects related to this grant were not implemented and what disciplinary steps have been taken against the official responsible for the ultimate loss of this grant.

#### **8.3.11 Resolution 11/2019 – Relocation of ICT offices**

Resolution 13/2018 of the 2016/17 Oversight report mandated the Accounting Officer to ensure that secure premises are acquired and that all necessary resources are in place to ensure the safety of all financial information systems and efficiency of the ICT sub-directorate. The process was to unfold within 60 days of the tabling of that particular report.

This resolution was not implemented. The Accounting officer must provide the MPAC with a report in this regard and provide the MPAC with a progress report on the relocation within 30 days of the tabling of this report.

#### **8.3.12 Resolution 12/2019 – Fines, penalties and forfeits**

The municipality does not have adequate internal control systems to ensure accurate record keeping of fines; as a result, the city did not account for all fines revenue.

The Accounting Officer must provide a report to the MPAC on the corrective action taken to solve this matter.

#### **8.3.13 Resolution 13/2019 – Underspending of conditional grants**

The municipality underspent the Urban Settlement Development Grant by R 156 349 941 and the Public Transport Infrastructure Grant by R 68 064 730

The Accounting Officer must provide the MPAC with reasons for the above underspending and what corrective measures have been taken to address this matter.

#### **8.3.14 Resolution 14/2019 – Performance Management System**

Section 67(1)(d) of the Municipal Structures Act (MSA) requires that the municipality develop appropriate systems and procedures to monitor, measure and evaluate the performance of staff. The Accounting Officer must provide the MPAC with a report on why the municipality has not complied with this legislative provision and provide a progress report on the development of a performance management system

#### **8.3.15 Resolution 15/2019 - Contract Management**

Section 116 (2)(b)(c) of the MFMA state that the Accounting Officer must ensure that the performance of contractors must be monitored on a monthly basis; and that contract performance and monitoring measures must be in place to ensure sufficient contract management.

The municipality did not comply with the said provisions of the MFMA therefore the Accounting Officer must provide the MPAC with a report indicating measures to correct the noncompliance.

#### **8.3.16 Resolution 16/2019 – Quality of submitted financial statements**

The quality of financial statements and performance information submitted to the Auditor General has deteriorated.

The Accounting Officer must provide the MPAC with a report on what corrective action has been taken to rectify this matter.

#### **8.3.17 Resolution 17/2019 – Material water losses**

The Municipality has incurred water losses to the value of R 266 368 991 due to technical losses, burst water pipes, leakages, faulty meters and unmetered sites.

The Accounting Officer must provide a report on what corrective measures have been put in place to curb water losses and why is the city unable to keep to the 48-hour turnaround time.



**8.3.18 Resolution 18/2019 – Material electricity distribution losses**

The Municipality has incurred electricity distribution losses due to technical losses, errors, negligence, theft, tampering, and connections which form part of illegal consumptions and faulty meters to the value of R 162 586 611

The Accounting Officer must provide a report on what plan of action has been implemented to address the above.

**8.3.19 Resolution 19/2019 – Overpayment of service providers**

The Municipality incurred fruitless and wasteful expenditure of R 26 700 031 due to the overpayment of service providers.

The Accounting Officer must provide a report indicating the names of service providers that were overpaid, how much were they each overpaid and what disciplinary action has been instituted against the officials responsible for the overpayment.

**8.3.20 Resolution 20/2019 - Payment of suppliers as per MFMA**

Note 19 to the annual financial statements states that the average repayment of suppliers was 142 days during the year under review.

The Accounting Officer must provide the MPAC with a report detailing how much interest did the city pay suppliers as a result of late payments and what measures have been put in place to correct this matter.

**8.3.21 Resolution 21/2019 - Resolution to be investigated by the Disciplinary Board**

The Disciplinary Board must investigate resolutions 8.3.6 to 8.3.20 of the resolutions above

**8.3.22 Resolution 22/2019 - Due date for submission of reports to the MPAC**

The Accounting Officer submit reports pertaining to the above resolutions by Wednesday, 29 January 2020

134	<b>REPORTS TO BE DEALT WITH IN COMMITTEE</b>
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NONE

135	<b>MOTIONS</b>
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NONE

136	<b>QUESTIONS</b>
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**A**

**QUESTIONS IN TERMS OF RULE 38 OF THE STANDING RULES AND ORDERS**

1. Response dated August 14, 2019 received from the City Manager to questions raised by **Councillor W Bolt** from a letter dated August 2, 2019, with regard to **Hawkers' stalls not completed in Botshabelo Complex Ward 31.** (Page A1 – 3)
2. Response dated October 21, 2019 received from the City Manager to questions raised by **Councillor BJ Viviers** from a letter dated August 13, 2019, with regard to **Newly erected fence around border of the Franklin Game Reserve – Naval Hill.** (Page B1 – 2)
3. Response dated October 30, 2019 received from the City Manager to questions raised by **Councillor BJ Viviers** from a letter dated September 29, 2019, with regard to **Clinic in Peter Swarts.** (Page C1 – 3)
4. Response dated October 20, 2019 received from the City Manager to questions raised by **Councillor E Snyman van Deventer** from a letter dated September 12, 2019, with regard to **Traffic situation in General Hertzog Street.** (Page D1 – 3)
5. Response dated October 22, 2019 received from the City Manager to questions raised by **Councillor PA Lotriet** from a letter dated October 21, 2019, with regard to **Illegal occupation of Municipal land.** (Page E1 – 3)
6. Response dated October 22, 2019 received from the City Manager to questions raised by **Councillor E Snyman van Deventer** from a letter dated September 12, 2019, with regard to **Tenders and contracts awarded to businesses outside Mangaung: Engineering Services.** (Page F1 – 2)
7. Response dated October 30, 2019 received from the City Manager to questions raised by **Councillor BJ Viviers** from a letter dated September 29, 2019, with regard to **Agreement/tender between Traffic Department and service provider.** (Page G1 – 3)
8. Response dated October 30, 2019 received from the City Manager to questions raised by **Councillor PA Lotriet** from a letter dated October 21, 2019, with regard to **Tree branches/overhead electricity power cables – 4 Fischer Street, Waverley.** (Page H1 – 3)

9. Response dated August 26, 2019 received from the City Manager to questions raised by **Councillor M Kganakga** from a letter dated August 21, 2019, with regard to **City Manager response in Issue Newspaper Article.** (Page I1 – 3)
10. Response dated October 25, 2019 received from the City Manager to questions raised by **Councillor M Kganakga** from a letter dated October 21, 2019, with regard to **Manyoni and Gija Contract with Mangaung Metropolitan Municipality.** (Page J1 – 5)

137.

**CLOSING OF THE ORDINARY COUNCIL MEETING**

**MS R MAMATELA  
SECRETARIAT UNIT  
COMMITTEE SERVICES**